



# Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Twenty-seventh Meeting Day

Tuesday Morning

February 27, 2001

The House convened at 10:00 a.m. with the Speaker Pro Tempore, Representative Dobis, in the Chair.

The invocation was offered by Pastor Dan Johnson, Bible Baptist Church, Kokomo, the guest of Representative James R. Buck.

The Pledge of Allegiance to the Flag was led by Representative Buck.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak	Mock
Buell	Moses
Burton	Munson
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook	Pond
Crawford	Porter
Crooks	Richardson
Crosby	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumezich	V. Smith
Duncan	Steele
Dvorak	Stevenson
Espich	Stilwell
Foley	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell •	Tincher
Fry	Torr
GiaQuinta	Turner
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 255: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 107, 172, 262, 300, 338, 486, and 538 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1600, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the committee report of the House Education Committee adopted February 19, 2001.

Page 1, line 4, delete "include in" and insert "**integrate cardiopulmonary resuscitation training into**".

Page 1, line 4, after "curriculum" insert ".".

Page 1, delete lines 5 through 7, begin a new paragraph and insert: "**SECTION 2. [EFFECTIVE JULY 1, 2001] (a) This SECTION applies to a city hospital in a third class city established under IC 16-23-1.**

**(b) As used in this SECTION, "fund" refers to the public employees' retirement fund established by IC 5-10.3-2-1.**

**(c) If, on July 1, 2001, a hospital described in subsection (a) has an account with the fund for the benefit of its former employees, but:**

**(1) the hospital's assets have been sold to a private entity; and**

**(2) the hospital's employees have become employees of the private entity;**

**the board of trustees of the fund shall transfer the amounts in the hospital's fund account, as determined by the board of trustees of the fund, to the fund account of the county that funded the hospital and shall add the amounts in the hospital's fund account to the county's fund account.**

**(d) A county whose fund account includes amounts transferred from the fund account of a hospital under subsection (c) assumes all of the assets and liabilities attributable to the hospital's fund account, except for any liability that:**

**(1) is attributable to employer contributions due the fund; and**

**(2) arose before January 1, 2000.**

**(e) Any liability of a hospital described in subsection (c) with respect to employer contributions that remain unpaid on July 1, 2001, is canceled, and the fund may not take any further action to collect those employer contributions.**

**(f) This SECTION expires January 1, 2002."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1600 as introduced and as amended by the committee report of the House Education Committee adopted February 19, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was

referred House Bill 2115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "provider" and insert "**person that contracts on behalf of the department**".

Page 2, line 3, delete "provider" and insert "**person that contracts on behalf of the community corrections advisory board**".

Page 2, line 17, delete "provider" and insert "**person that contracts on behalf of the county jail**".

Page 2, line 30, delete "provider" and insert "**person that contracts on behalf of the juvenile detention facility**".

Page 3, line 1, delete "provider" and insert "**person that contracts on behalf of the juvenile detention center**".

(Reference is to HB 2115 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 7.

BAUER, Chair

Report adopted.

## HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1062, 1100, 1113, 1503, 1513, 1570, 1614, 1663, 1680, 1770, 1803, 1849, 1871, 1872, 1902, and 1980.

### House Bill 1056

Representative Duncan called down House Bill 1056 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1056-1)

Mr. Speaker: I move that House Bill 1056 be amended to read as follows:

Page 4, line 20, delete "a representative" and insert "**it shall allow representatives**".

Page 4, line 21, delete "may present a statement" and insert "**to present statements**".

Page 4, line 22, delete "statement" and insert "**statements**".

Page 4, line 23, delete "representative" and insert "**representatives**".

Page 4, line 23, delete "statement" and insert "**statements**".

Page 4, line 24, delete "statement" and insert "**statements**".

Page 4, line 25, delete "is" and insert "**are**".

(Reference is to HB 1056 as printed February 23, 2001.)

ULMER

Motion prevailed. The bill was ordered engrossed.

### House Bill 1106

Representative Steele called down House Bill 1106 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1106-1)

Mr. Speaker: I move that House Bill 1106 be amended to read as follows:

Page 4, line 26, delete "and".

Page 4, line 28, delete "takes" and insert "**obtains, possesses, transfers, or uses**".

Page 4, line 30, delete "." and insert ";".

Page 4, between lines 30 and 31, begin a new subparagraph and insert:

**"(4) a criminal history background check as required or authorized by law; and**

**(5) the publication or dissemination of a news story, a commentary, or an editorial by a news media entity."**

(Reference is to HB 1106 as printed February 23, 2001.)

STEELE

Motion prevailed. The bill was ordered engrossed.

### House Bill 1138

Representative Day called down House Bill 1138 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1138-1)

Mr. Speaker: I move that House Bill 1138 be amended to read as follows:

Page 1, line 5, delete "twelve (12)" and insert "**fifteen (15)**".

(Reference is to HB 1138 as printed February 22, 2001.)

DAY

Motion prevailed. The bill was ordered engrossed.

### House Bill 1172

Representative L. Lawson called down House Bill 1172 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1172-1)

Mr. Speaker: I move that House Bill 1172 be amended to read as follows:

Page 1, line 5, delete "The governor shall issue a proclamation each year" and insert:

**"The Indiana commission for women shall each year designate August 26 as Equality Day for Women in Indiana in celebration of the anniversary of the adoption of the Nineteenth Amendment of the Constitution of the United States giving women the right to vote. The commission shall do the following:**

**(1) Request a proclamation from the governor each year designating August 26 as Equality Day for Women in Indiana.**

**(2) Provide information and other forms of educational outreach to the public about the Women's Suffrage Movement."**

Page 1, delete lines 6 through 10.

(Reference is to HB 1172 as introduced.)

L. LAWSON

Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Crosby.

### House Bill 1201

Representative D. Young called down House Bill 1201 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1201-1)

Mr. Speaker: I move that House Bill 1201 be amended to read as follows:

Page 1, line 3, delete "An employer" and insert "**A covered entity**".

Page 1, line 4, delete "solely".

Page 1, line 7, after "supervision" insert "**of**".

Page 1, line 8, delete "professional." and insert "**professional, unless the drugs preclude the job applicant or employee from performing the job.**".

Page 1, line 11, delete "burden of" and insert "**job applicant or employee must provide, upon request,**".

Page 1, line 13, delete "professional is upon the job applicant or" and insert "**professional.**".

Page 1, delete line 14.

(Reference is to HB 1201 as printed February 21, 2001.)

D. YOUNG

Motion prevailed. The bill was ordered engrossed.

### House Bill 1806

Representative Mellinger called down House Bill 1806 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1806-1)

Mr. Speaker: I move that House Bill 1806 be amended to read as

follows:

Page 1, between the enacting clause and line 1 begin a new paragraph and insert:

"SECTION 1. IC 35-38-2.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this chapter, "home" means:

- (1) the actual living area of the temporary or permanent residence of an offender; or
- (2) **if the offender's residence is a multi-family dwelling, the unit in which the offender resides, and not the:**
  - (A) **halls or common areas outside the unit where the offender resides; or**
  - (B) **other units, occupied or unoccupied, in the multi-family dwelling.**

The term includes a hospital, health care facility, hospice, group home, maternity home, residential treatment facility, and boarding house. The term does not include a public correctional facility or the residence of another person who is not part of the social unit formed by the offender's immediate family.

SECTION 2. IC 35-38-2.5-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.3. As used in this chapter, "constant supervision" means monitoring a violent offender twenty-four (24) hours each day by means described in section 12(b) of this chapter."

Page 1, line 9, delete "Sec" and insert "Sec."

Page 1, line 13, after "IC 35-50-1-2(a)" insert ", IC 35-42-2-1, IC 35-42-2-1.3, IC 35-43-1-1, IC 35-44-3-5, IC 35-45-10-5, or IC 35-47-5-1".

Page 1, line 15, after "IC 35-50-1-2(a)" insert ", IC 35-42-2-1, IC 35-42-2-1.3, IC 35-43-1-1, IC 35-44-3-5, IC 35-45-10-5, or IC 35-47-5-1".

Page 3, after line 11, begin a new paragraph and insert:

"SECTION 5. IC 35-38-2.5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. An offender who:

- (1) **leaves the offender's home in violation of section 6(1) of this chapter or without documented permission from the supervising entity;**
- (2) **remains outside the offender's home in violation of section 6(1) of this chapter or without documented permission from the supervising entity; or**
- (3) **travels to a location not authorized under section 6(1) of this chapter or not authorized in writing by the supervising entity;**

**commits unauthorized absence from home detention, a Class A misdemeanor.**

SECTION 6. IC 35-44-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A person, except as provided in subsection (b), who intentionally flees from lawful detention commits escape, a Class C felony. However, the offense is a Class B felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person.

(b) A person who knowingly or intentionally violates a home detention order and or intentionally removes an electronic monitoring device commits escape, a Class D felony.

(c) A person who knowingly or intentionally fails to return to lawful detention following temporary leave granted for a specified purpose or limited period commits failure to return to lawful detention, a Class D felony. However, the offense is a Class C felony if, while committing it, the person draws or uses a deadly weapon or inflicts bodily injury on another person."

Renumber all SECTIONS consecutively.

(Reference is to HB 1806 as printed February 22, 2001.)

MELLINGER

Motion prevailed. The bill was ordered engrossed.

## House Bill 1293

Representative Frenz called down House Bill 1293 for second reading. The bill was read a second time by title.

## HOUSE MOTION (Amendment 1293-1)

Mr. Speaker: I move that House Bill 1293 be amended to read as follows:

Page 2, line 11, after "interview" insert "**or test:**"

(A)".

Page 2, line 12, after "~~employees~~: employee" insert ";".

Page 2, line 12, delete "interview", begin a new line double block indented and insert:

(B)".

Page 2, line 12, delete "about" and insert "**for**".

Page 3, delete line 8.

(Reference is to HB 1293 as printed February 23, 2001.)

FRENZ

Motion prevailed. The bill was ordered engrossed.

## SPECIAL ORDER OF BUSINESS

### House Bill 1341

The Chair handed down for second reading House Bill 1341, authored by Representative Lytle. The bill was reread a second time by title. The motion of Representative Steele (Amendment 1341-1) was pending (*see the Journal of February 26, page 486-487*). Representative Steele withdrew the pending motion.

## HOUSE MOTION (Amendment 1341-2)

Mr. Speaker: I move that House Bill 1341 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-36.5-1-3 IS AMENDED TO READ AS FOLLOWS: Sec. 3. (a) Every person registered as a timber buyer shall file with the department an effective surety bond issued by a corporate surety authorized to engage in the business of executing surety bonds in Indiana.

(b) Instead of the bond required by subsection (a), the department may accept security in cash or a certificate of deposit under terms established by rule.

(c) The security required under subsection (a) or (b) shall be made payable upon demand to the director, subject to this chapter, for the use and benefit of the people of Indiana and for the use and benefit of any timber grower from whom the applicant purchased and who is not paid by the applicant or for the use and benefit of any timber grower whose timber has been cut by the applicant or registrant or his agents, and who has not been paid therefor.

(d) The security required under subsection (a) or (b) shall be in the principal amount of two thousand dollars (\$2,000) for an applicant who paid timber growers five thousand dollars (\$5,000) or less for timber during the immediate preceding year, and an additional one hundred dollars (\$100) for each additional one thousand dollars (\$1,000) or fraction thereof paid to timber growers for timber purchased during the preceding year, but shall not be more than twenty thousand dollars (\$20,000). In the case of an applicant not previously engaged in business as a timber buyer, the amount of such bond shall be based on the estimated dollar amount to be paid by such timber buyer to timber growers for timber purchased during the next succeeding year, as set forth in the application.

(e) The security required under subsection (a) or (b) shall not be cancelled or altered during the period for which the certificate to the applicant was issued except upon at least sixty (60) days notice in writing to the department.

(f) Security shall be in such form, contain such terms and conditions as may be approved from time to time by the director, be conditioned to secure an honest cutting and accounting for timber purchased by the registrant, secure payment to the timber growers, and insure the timber growers against all fraudulent acts of the registrant in the purchase and cutting of the timber of this state.

(g) If a timber buyer fails to pay when due any amount due a timber grower for timber purchased, or fails to pay legally determined

damages for timber wrongfully cut by a timber buyer or his agent, or commits any violation of this chapter, an adjudicative proceeding on the bond for forfeiture may be commenced, and notice of the proceeding shall be provided, under IC 4-21.5-3-6. A surety or person in possession of the security provided under subsection (a) or (b) is entitled to notification of the proceeding. If a final agency action is entered by the department under this subsection against the timber buyer, the surety or other person in possession of the security shall deliver the amount of the security identified in the order. A proceeding for forfeiture of a timber buyer's bond under IC 4-21.5 is the exclusive remedy under law for the forfeiture of the bond.

**(h) An owner of real estate seeking an injunction against a person, corporation or other entity from the wrongful cutting of timber on the owner's real estate is relieved from having to post a bond. This provision does not pertain to any alleged wrongful cutting between the property owner and any timber cutter or timber buyer with whom the property owner had contracted to buy and cut any timber."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1341 as printed February 21, 2001.)

STEELE

Motion prevailed. The bill was ordered engrossed.

## HOUSE BILLS ON SECOND READING

### House Bill 1344

Representative Lytle called down House Bill 1344 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1344-2)

Mr. Speaker: I move that House Bill 1344 be amended to read as follows:

Page 2, after line 29, begin a new paragraph and insert:  
"SECTION 2. IC 8-6-7.7-6.1 IS AMENDED TO READ AS FOLLOWS:  
Sec. 6.1. (a) The railroad grade crossing fund is created.

(b) The railroad grade crossing fund may be used by the Indiana department of transportation for the following purposes:

- (1) To carry out the provisions of this chapter.
- (2) For passive railroad crossing safety improvement projects **by a unit of government, including:**
  - (i) illumination;
  - (ii) pavement markings;
  - (iii) median barriers;
  - (iv) signage; and
  - (v) other safety improvement measures.

(3) For passive railroad crossing safety projects submitted by railroad companies, including:

- (i) illumination;
- (ii) sight obstruction removal;
- (iii) signage;
- (iv) reflectorized taping; and
- (v) other safety improvement measures.

(c) Notwithstanding subsection (b) of this section, the railroad company shall pay the cost of acquiring any easements required by the passive railroad crossing safety project and shall be responsible for the maintenance and operation of the completed project.

(c) (d) The balance of money in the railroad grade crossing fund does not revert to the state general fund at the close of any fiscal year but remains available to the Indiana department of transportation."

(Reference is to HB 1344 as printed February 22, 2001.)

TURNER

Motion prevailed. The bill was ordered engrossed.

### House Bill 1561

Representative Cherry called down House Bill 1561 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1561-1)

Mr. Speaker: I move that House Bill 1561 be amended to read as

follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning professions and occupations.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **The real estate appraiser licensure and certification board created under IC 25-34.1-8-1 shall review the hour value of appraisal work that qualifies for experience credit for licensure or certification of real estate appraisers. The review required under this subdivision must specifically address the hour value of agricultural appraisal work that qualifies for experience credit.**

(b) The real estate appraiser licensure and certification board shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish the hour value of agricultural appraisal work that qualifies for experience credit for licensure or certification of real estate appraisers.

(c) Emergency rules adopted under this SECTION are effective when filed with the secretary of state and expire on the earlier of the following:

- (1) The date that the real estate appraiser licensure and certification board adopts a permanent rule under IC 4-22-2 to amend, repeal, or otherwise supersede the previously adopted emergency rule.
- (2) June 30, 2003.

(d) This SECTION expires June 30, 2004.

SECTION 2. An emergency is declared for this act.

(Reference is to HB 1561 as printed February 21, 2001.)

CHERRY

*(Journal Clerk's Note: the author and coauthors of HB 1561 filed written consent to the "strip and insert" amendment.)*

Motion prevailed. The bill was ordered engrossed.

### House Bill 1721

Representative Moses called down House Bill 1721 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1721-1)

Mr. Speaker: I move that House Bill 1721 be amended to read as follows:

Page 4, delete lines 16 through 23, begin a new paragraph and insert:

"Sec. 4. (a) "Massage" or "massage therapy" means the treatment of the human body by the therapeutic application of massage techniques, including:

- (1) the use of touch, pressure, movement, positioning, and holding with or without the use of massage devices that mimic or enhance manual measures; and
- (2) the external application of heat, cold, water, lubricants, and abrasives.

(b) The term does not include joint manipulation or spinal adjustment."

Page 6, line 42, after "professional" insert "who, while not professing to be a massage therapist, is".

Page 10, line 11, delete "7." and insert "8."

Page 10, between lines 40 and 41, begin a new paragraph and insert:

"(c) Notwithstanding IC 25-21.8-4-4 and IC 25-21.8-5-2, both as added by this act, the Indiana state board of massage therapy may issue a license to any applicant who:

- (1) before March 1, 2001, enrolled in a massage therapy school or program that required five hundred (500) hours of study if the school was in good standing with any state, regional, or national agency of government charged with regulating massage therapy or programs; and
- (2) before January 1, 2002, completes the massage therapy school's requirements or massage therapy program described in subdivision (1)."

(Reference is to HB 1721 as printed February 21, 2001.)

MOSES

Motion prevailed. The bill was ordered engrossed.

### House Bill 1898

Representative Fry called down House Bill 1898 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1898-1)

Mr. Speaker: I move that House Bill 1898 be amended to read as follows:

Delete everything after the enacting clause and insert the following: SECTION 1. [EFFECTIVE JULY 1, 2001] (a) As used in this SECTION 1, "committee" refers to the interim study committee on natural gas pricing by utilities established by this SECTION 1.

(b) There is established the interim study committee on natural gas pricing. The committee shall study natural gas pricing by utilities.

(c) The committee shall consist of twelve (12) members, six (6) appointed by the speaker of the house of representatives, no more than three (3) from the same political party and six (6) appointed by the president pro tempore of the senate, no more than three (3) from the same political party.

(d) The committee shall operate under the policies governing study committees adopted by the legislative council.

(e) The affirmative vote of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports. Final reports shall be submitted to the Legislative council for distribution at the next regular session of the Indiana general assembly.

(f) This SECTION 1 expires December 31, 2001.

(Reference is to HB 1898 as reprinted February 21, 2001.)

FRY

Motion prevailed. The bill was ordered engrossed.

### House Bill 1578

Representative Cochran called down House Bill 1578 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1578-1)

Mr. Speaker: I move that House Bill 1578 be amended to read as follows:

Page 8, between lines 40 and 41, begin a new paragraph and insert: "SECTION 14. IC 6-6-5.5-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8.5. (a) The owner of a vehicle for which the commercial vehicle excise tax has been paid for the registrant's annual registration year is entitled to a credit if during that registration year:

- (1) the owner sells the vehicle and purchases a new vehicle of the same or greater weight;
- (2) the vehicle is destroyed and replaced with a vehicle of the same or greater weight; or
- (3) the vehicle was registered in error at a greater weight than required.

(b) Except as provided in subsection (c), the amount of the credit is equal to the remainder of:

- (1) the commercial vehicle excise tax paid for the vehicle, reduced by;
- (2) one-twelfth (1/12) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale or replacement of the vehicle.

The credit applies to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year.

(c) The owner of a vehicle registered in error at a greater weight than required is entitled to receive a credit equal to the commercial vehicle excise tax paid for the vehicle registered at the greater weight. However, no refund may be provided for any remainder of the tax paid when registering the vehicle at a lower weight.

(d) The owner of a vehicle is not entitled to a refund of any part of a credit that is not used under this section.

(e) A credit expires at the end of the registrant's annual registration year.

(f) To claim the credit authorized in subsection (a)(1), the owner of the vehicle must present to the bureau proof of the sale of the vehicle.

(g) To claim the credit authorized in subsection (a)(2), the owner of the vehicle must present to the bureau a statement of proof of the destruction of the vehicle on an affidavit furnished by the bureau. The owner must also present a valid registration for the vehicle within ninety (90) days after the date that it was destroyed. For purposes of this subsection, a vehicle is considered destroyed if the estimated cost of repair exceeds the vehicle's fair market value. After receipt of the statement and registration, the bureau shall fix the amount of the credit that the owner is entitled to receive.

(h) To claim the credit authorized under subsection (a)(3), the owner of the vehicle must present to the bureau on an affidavit furnished by the bureau evidence acceptable to the bureau that the vehicle was registered in error at a greater weight than required."

Page 10, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 16. IC 6-8.1-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as provided in IC 6-8.1-5-3, the department must issue a demand notice for the payment of a tax and any interest or penalties accrued on the tax, if a person files a tax return without including full payment of the tax or if the department, after ruling on a protest, finds that a person owes the tax before the department issues a tax warrant. The demand notice must state the following:

- (1) That the person has ten (10) days from the date the department mails the notice to either pay the amount demanded or show reasonable cause for not paying the amount demanded.
- (2) The statutory authority of the department for the issuance of a tax warrant.
- (3) The earliest date on which a tax warrant may be filed and recorded.
- (4) The remedies available to the taxpayer to prevent the filing and recording of the ~~lien~~ judgment.

If the department files a tax warrant in more than one (1) county, the department is not required to issue more than one (1) demand notice.

(b) If the person does not pay the amount demanded or show reasonable cause for not paying the amount demanded within the ten (10) day period, the department may issue a tax warrant for the amount of the tax, interest, penalties, collection fee, sheriff's costs, clerk's costs, and fees established under section 4(b) of this chapter when applicable. When the department issues a tax warrant, a collection fee of ten percent (10%) of the unpaid tax is added to the total amount due.

(c) When the department issues a tax warrant, it may not file the warrant with the circuit court clerk of any county in which the person owns property until at least twenty (20) days after the date the demand notice was mailed to the taxpayer. The department may also send the warrant to the sheriff of any county in which the person owns property and direct the sheriff to file the warrant with the circuit court clerk:

- (1) at least twenty (20) days after the date the demand notice was mailed to the taxpayer; and
- (2) no later than five (5) days after the date the department issues the warrant.

(d) When the circuit court clerk receives a tax warrant from the department or the sheriff, the clerk shall record the warrant by making an entry in the judgment debtor's column of the judgment record, listing the following:

- (1) The name of the person owing the tax.
- (2) The amount of the tax, interest, penalties, collection fee, sheriff's costs, clerk's costs, and fees established under section 4(b) of this chapter when applicable.
- (3) The date the warrant was filed with the clerk.

(e) When the entry is made, the total amount of the tax warrant becomes a judgment ~~lien~~ against the person owing the tax. The

judgment ~~creates a lien for taxes in favor of the state that~~ attaches to all the person's interest in any:

- (1) chose in action in the county; and
- (2) real or personal property in the county;

excepting only negotiable instruments not yet due.

(f) A judgment ~~lien~~ obtained under this section is valid for ten (10) years from the date the ~~lien judgment~~ is filed. The department may renew ~~a lien the judgment~~ for additional ten (10) year periods by filing an alias tax warrant with the circuit court clerk of the county in which the ~~lien judgment~~ previously existed.

(g) A judgment ~~lien arising from a tax warrant~~ in a county may be released by:

- (1) the department or by the county sheriff after the ~~lien judgment~~, including all accrued interest to the date of payment, has been fully satisfied; or
- (2) the department if the department determines that the tax assessment or the issuance of the tax warrant was in error.

(h) If the department determines that the filing of a tax warrant was in error, the department shall mail a release of the judgment ~~lien~~ to the taxpayer and the circuit court clerk of each county where the warrant was filed. The department shall mail the release as soon as possible but no later than seven (7) days after:

- (1) the determination by the department that the filing of the warrant was in error; and
- (2) the receipt of information by the department that the ~~lien judgment~~ has been recorded under subsection (d).

(i) If the department determines that a judgment ~~lien~~ described in subsection (h) is obstructing a lawful transaction, the department shall mail a release of the ~~lien judgment~~ to the taxpayer and the circuit court clerk of each county where the ~~lien judgment~~ was filed immediately upon making the determination.

(j) A release issued under subsection (h) or (i) must state that the filing of the tax warrant was in error. Upon the request of the taxpayer, the department shall mail a copy of a release issued under subsection (h) or (i) to each major credit reporting company located in each county where the ~~lien judgment~~ was filed.

(k) The commissioner shall notify each state agency or officer supplied with a tax warrant list of the issuance of a release under subsection (h) or (i).

(l) If the sheriff collects the full amount of a tax warrant, the sheriff shall disburse the money collected in the manner provided in section 3(c) of this chapter and then release the ~~lien judgment~~. If a ~~lien judgment~~ has been partially or fully satisfied by a person's surety, the surety becomes subrogated to the department's rights under the ~~lien judgment~~ and the sheriff may not release the ~~lien judgment~~ until the surety's rights under the ~~lien judgment~~ have been satisfied by the person. If a sheriff releases a judgment: ~~lien~~:

- (1) before the ~~lien judgment~~ is fully satisfied;
- (2) before the sheriff has properly disbursed the amount collected; or
- (3) after the sheriff has returned the tax warrant to the department;

the sheriff commits a Class B misdemeanor and is personally liable for the part of the ~~lien judgment~~ not remitted to the department.

SECTION 17. IC 6-8.1-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The county sheriff of a county shall attempt to levy on and collect a judgment ~~lien on arising from~~ a tax warrant in that county for a period of one hundred twenty (120) days from the date the judgment lien is entered, unless the sheriff is relieved of that duty at an earlier time by the department. The sheriff's authority to collect the warrant exists only while the sheriff holds the tax warrant, and if the sheriff surrenders the warrant to the department for any reason the sheriff's authority to collect that tax warrant ceases. During the period that the sheriff has the duty to collect a tax warrant, the sheriff shall collect from the person owing the tax, an amount equal to the amount of the judgment lien plus the accrued interest to the date of the payment. Subject to subsection (b), the sheriff shall make the collection by garnisheeing the person's wages and by levying on and selling any interest in property or rights in any chose in action that the person has in the county. The Indiana laws which provide relief for debtors by exempting certain property from

levy by creditors do not apply to levy and sale proceedings for ~~tax warrant judgment liens: judgments arising from tax warrants.~~

(b) A sheriff shall sell property to satisfy a tax warrant in a manner that is reasonably likely to bring the highest net proceeds from the sale after deducting the expenses of the offer to sell and sale. A sheriff may engage an auctioneer to advertise a sale and to conduct a public auction, unless the person being levied files an objection with the clerk of the circuit or superior court having the tax warrant within five (5) days of the day that the sheriff informs the person of the person's right to object. The advertising conducted by the auctioneer is in addition to any other notice required by law, and shall include a detailed description of the property to be sold. When an auctioneer is engaged under this subsection and the auctioneer files a verified claim with the clerk of the circuit or superior court with whom the tax warrant is filed, the sheriff may pay the reasonable fee and reasonable expenses of the auctioneer from the gross proceeds of the sale before other expenses and ~~liens the judgment arising from the tax warrant~~ are paid. As used in this section, "auctioneer" means an auctioneer licensed under IC 25-6.1.

(c) The sheriff shall deposit all amounts that the sheriff collects under this section, including partial payments, into a special trust account for ~~tax warrant judgment lien collections: judgments collected that arose from tax warrants.~~ On or before the fifth day of each month the sheriff shall disburse the money in the tax warrant judgment lien trust account in the following order:

- (1) The sheriff shall pay the department the part of the collections that represents taxes, interest, and penalties.
- (2) The sheriff shall pay the county treasurer and the clerk of the circuit or superior court the part of the collections that represents their assessed costs.
- (3) Except as provided in subdivision (4), the sheriff shall keep the part of the collections that represents the ten percent (10%) collection fee added under section 2(b) of this chapter.
- (4) If the sheriff has entered a salary contract under IC 36-2-13-2.5, the sheriff shall deposit in the county general fund the part of the collections that represents the ten percent (10%) collection fee added under section 2(b) of this chapter.

The department shall establish the procedure for the disbursement of partial payments so that the intent of this section is carried out.

(d) After the period described in subsection (a) has passed, the sheriff shall return the tax warrant to the department. However, if at the end of this period the sheriff is in the process of collecting the ~~lien judgment arising from a tax warrant~~ in periodic payments of sufficient size that the ~~lien judgment~~ will be fully paid within one (1) year after the date the ~~lien judgment~~ was filed, the sheriff may keep the tax warrant and continue collections. When the tax warrant is returned, the department may exercise its collection powers alone, or it may allow the sheriff to continue collections in conjunction with the department. If the department and the sheriff engage in simultaneous collection efforts, the sheriff may retain for disbursement under subsection (c) only the part of the ten percent (10%) collection fee that is applicable to the part of the collections for which the sheriff is responsible. The department shall retain the rest of the collection fee.

(e) Notwithstanding any other provision of this chapter, the department may order a sheriff to return a tax warrant at any time, if the department feels that action is necessary to protect the interests of the state.

(f) This subsection applies only to the sheriff of a county having a consolidated city or a second class city. In such a county, the ten percent (10%) collection fee added under section 2(b) of this chapter shall be divided as follows:

- (1) The sheriff may retain for disbursement under subsection (c) forty thousand dollars (\$40,000), plus one-fifth (1/5) of any fees exceeding that forty thousand dollar (\$40,000) amount.
- (2) Two-fifths (2/5) of any fees exceeding that forty thousand dollar (\$40,000) amount shall be deposited in the sheriff's department's pension trust fund.
- (3) Two-fifths (2/5) of any fees exceeding that forty thousand dollar (\$40,000) amount shall be deposited in the county general fund.

SECTION 18. IC 6-8.1-8-4 IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2001]: Sec. 4. (a) When the department collects a ~~lien~~ **judgment arising from a tax warrant**, it may proceed in the same manner that any debt due the state is collected, except as provided in this chapter. The department may employ special counsel or contract with a collection agency for the collection of a delinquent tax plus interest, penalties, collection fees, sheriff's costs, clerk's costs, and reasonable fees established under subsection (b) if:

- (1) an unsatisfied warrant has been issued by the department; or
- (2) the department received a tax payment by check or other instrument drawn upon a financial institution, and the check or other instrument was not honored by that institution.

(b) The commissioner and the budget agency shall set the fee that the special counsel or collection agency will receive and payment of the fee shall be made after a claim for that fee has been approved by the department.

(c) The fees become due and owing by the taxpayer upon the filing of an amended warrant with the circuit court clerk adding the fee authorized by subsection (b) to the amount of the judgment lien under section 2 of this chapter.

SECTION 19. IC 6-8.1-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. At any time after a ~~tax warrant~~ **judgment lien arising from a tax warrant** has been recorded, the department may obtain a court order restraining the person owing the tax from conducting business in Indiana. The restraining order is valid as long as the judgment ~~lien~~ remains in effect, but the department may have the order dissolved if it feels that by dissolving the order the ~~lien~~ **judgment** will be easier to collect.

SECTION 20. IC 6-8.1-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. After a tax warrant becomes a judgment ~~lien~~ under section 2 of this chapter or a tax warrant is returned uncollected to the department under section 3 of this chapter, the department may take any of the following actions without judicial proceedings:

- (1) The department may levy upon the property of the taxpayer that is held by a financial institution by sending a claim to the financial institution. Upon receipt of a claim under this subdivision, the financial institution shall surrender to the department the taxpayer's property. If the taxpayer's property exceeds the amount owed to the state by the taxpayer, the financial institution shall surrender the taxpayer's property in an amount equal to the amount owed. After receiving the department's notice of levy, the financial institution is required to place a sixty (60) day hold on or restriction on the withdrawal of funds the taxpayer has on deposit or subsequently deposits, in an amount not to exceed the amount owed.
- (2) The department may garnish the accrued earnings and wages of a taxpayer by sending a notice to the taxpayer's employer. Upon receipt of a notice under this subdivision, an employer shall garnish the accrued earnings and wages of the taxpayer in an amount equal to the full amount that is subject to garnishment under IC 24-4.5-5. The amount garnished shall be remitted to the department. The employer is entitled to a fee in an amount equal to the fee allowed under IC 24-4.5-5-105(5). However, the fee shall be borne entirely by the taxpayer.
- (3) The department may levy upon and sell property and may:

- (A) take immediate possession of the property and store it in a secure place; or
- (B) leave the property in the custody of the taxpayer;

until the day of the sale. The department shall provide notice of the sale in one (1) newspaper, as provided in IC 5-3-1-2. If the property is left in the custody of the taxpayer, the department may require the taxpayer to provide a joint and several delivery bond, in an amount and with a surety acceptable to the department. At any time before the sale, any owner or part owner of the property may redeem the property from the judgment by paying the department the amount of the judgment. The proceeds of the sale shall be applied first to the collection expenses and second to the payment of the delinquent taxes and penalties. Any balance remaining shall be paid to the taxpayer.

SECTION 21. IC 6-8.1-8-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8.5. (a) For purposes of this chapter, a **judgment arising from a tax warrant is enforceable in the same manner as any judgment issued by a court of general jurisdiction.**

(b) The department may initiate proceedings supplementary to execution in any court of general jurisdiction in a county in which a judgment arising from a tax warrant has been recorded.

(c) Proceedings supplementary to execution on a judgment arising from a tax warrant must be initiated and maintained under the applicable rules of the selected court and under the provisions of IC 34-55-8 that do not conflict with this chapter.

SECTION 22. IC 8-2.1-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The treasurer of state shall deposit fees collected under this article, **IC 9-20-18-14.5, and IC 9-29-6-5.5** in the motor carrier regulation fund.

SECTION 23. IC 9-13-2-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.5. "Automated vehicle identifier" means an electronic tracking device approved by the commissioner of the department of state revenue for use in connection with special weight permits for extra heavy duty highways under IC 9-20-5.

SECTION 24. IC 9-20-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. The owner or operator of a vehicle or combination of vehicles having a total gross weight in excess of eighty thousand (80,000) pounds but less than one hundred thirty-four thousand (134,000) pounds must:

- (1) obtain a special weight registration permit;
- (2) register annually and pay annually a registration fee to the department of state revenue; and
- (3) install an approved automated vehicle identifier in each vehicle operating with a special weight permit;

to travel on an extra heavy duty highway.

SECTION 25. IC 9-20-18-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14.5. (a) The civil penalties imposed under this section are in addition to the other civil penalties that may be imposed under IC 8 and IC 9.

(b) A person who violates IC 9-20-5-7 is subject to a civil penalty of five hundred dollars (\$500) for each violation as determined by the court. Notwithstanding section 12 of this chapter, a civil penalty imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23.

(c) A person who operates a vehicle subject to IC 9-20-5-7 on a route other than a route designated under IC 9-20-5-4 is subject to a civil penalty of five hundred dollars (\$500) for each violation as determined by the court. Notwithstanding section 12 of this chapter, a civil penalty imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23."

Page 11, between lines 41 and 42, begin a new paragraph and insert:"

SECTION 18. IC 9-29-6-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. (a) The fee for the annual registration required under IC 9-20-5-7 is twenty-five dollars (\$25). The fee imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23.

(b) The department of state revenue may impose a separate annual fee in an amount that may not exceed one dollar (\$1) on each vehicle registered under IC 9-20-5-7 for the use and maintenance of an automated vehicle identifier. The fee imposed under this subsection is in addition to the permit fee required under section 1 of this chapter. The fee imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23.

SECTION 19. [EFFECTIVE JULY 1, 2001] IC 6-8.1-8, as amended by this act, applies to all tax collection proceedings that are commenced by the department of state revenue after June 30, 2001, regardless of the date of recording a tax warrant as a judgment under IC-6-8.1-2, as amended by this act."

Renumber all SECTIONS consecutively.



(Reference is to HB 1578 as printed February 20, 2001.)

COCHRAN

Motion prevailed. The bill was ordered engrossed.

### House Bill 1649

Representative Summers called down House Bill 1649 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1649-1)

Mr. Speaker: I move that House Bill 1649 be amended to read as follows:

Page 3, line 31, delete "Place" and insert "**If the establishment owns or possesses more than four (4) amusement machines, place**".

Page 4, line 9, after "4." insert "(a)".

Page 4, line 16, delete "summonses" and insert "**summons**".

Page 4, between lines 26 and 27, begin a new paragraph and insert: "**(b) If an establishment is issued a citation under a subdivision of section 3(a) of this chapter, the establishment may not be cited for a violation of the same subdivision within fourteen (14) days of the date of the original citation.**".

(Reference is to HB 1649 as printed February 21, 2001.)

SUMMERS

Motion prevailed. The bill was ordered engrossed.

### House Bill 1667

Representative M. Smith called down House Bill 1667 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1667-2)

Mr. Speaker: I move that House Bill 1667 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-3.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A participant who is at least sixty-five (65) years of age is entitled for the remainder of the participant's life to a monthly retirement benefit computed under section 3 of this chapter, beginning on the date specified by the participant in a written application, if all of the following conditions are met on the date on which the benefit begins:

(1) The participant's service as a member of the general assembly is terminated.

(2) The participant:

(A) has at least ten (10) years of service as a member of the general assembly; or

(B) meets the requirements for disability benefits under section 5 of this chapter.

(3) The participant is not receiving and is not entitled to receive ~~compensation a salary~~ from the state. ~~for work in any capacity~~.

(4) The participant is not receiving and has not previously received a reduced monthly retirement benefit under section 4 of this chapter.

SECTION 2. IC 2-3.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A participant who is at least fifty-five (55) years of age is entitled, for the remainder of the participant's life, to a reduced monthly retirement benefit computed under subsection (b), beginning on the date specified by the participant in a written application, if all of the following conditions are met on the date on which the benefit begins:

(1) The participant's service as a member of the general assembly is terminated.

(2) The participant has at least ten (10) years of service as a member of the general assembly.

(3) The participant is not receiving and is not entitled to receive ~~compensation for services a salary~~ from the state. ~~for work in any capacity~~.

(b) The reduced monthly benefit payable for life to a participant eligible under this section is the benefit calculated under section 3 of this chapter, multiplied by a percentage determined as follows:

STEP ONE: From seven hundred eighty (780) months, which equals sixty-five (65) years, subtract the age of the participant at the participant's retirement date expressed in whole months (retirement age in months) and obtain a remainder (X).

STEP TWO:

(A) If the remainder (X) is less than or equal to sixty (60), multiply the remainder (X) times one-tenth percent (0.1%) and obtain a product (Y).

(B) If the remainder (X) is greater than sixty (60), multiply five-twelfths percent (5/12%) times the difference obtained by subtracting sixty (60) from the remainder (X) and obtain a product. Add to this six percent (6%) and obtain a sum (Y).

STEP THREE: From one hundred percent (100%) subtract the appropriate (Y). This equals the percentage used to determine the reduced monthly benefit.

SECTION 3. IC 2-3.5-4-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.1. (a) This section applies to a participant who:

(1) is at least fifty-five (55) years of age and whose years of service as a member of the general assembly plus years of age are equal to at least eighty-five (85); or

(2) is at least sixty (60) years of age and has at least fifteen (15) years of service as a member of the general assembly.

(b) A participant who is described in subsection (a) is entitled, for the remainder of the participant's life, to a monthly retirement benefit calculated under section 3 of this chapter, if all of the following conditions are met on the date on which the benefit begins:

(1) The participant's service as a member of the general assembly is terminated.

(2) The participant has at least ten (10) years of service as a member of the general assembly.

(3) The participant is not receiving and is not entitled to receive ~~compensation for services a salary~~ from the state. ~~for work in any capacity~~.

(c) A participant who receives a benefit under this section is not entitled to a benefit under section 4 of this chapter.

SECTION 4. IC 2-3.5-5-3, AS AMENDED BY P.L.118-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 3. (a) The PERF board shall establish alternative investment programs within the fund, based on the following requirements:

(1) The PERF board shall maintain at least one (1) alternative investment program that is an indexed stock fund and one (1) alternative investment program that is a bond fund.

(2) The programs should represent a variety of investment objectives.

(3) The programs may not permit a member to withdraw money from the member's account, except as provided in section 6 of this chapter.

(4) All administrative costs of each alternative program shall be paid from the earnings on that program.

(5) A valuation of each member's account must be completed as of the last day of each quarter.

(b) A member shall direct the allocation of the amount credited to the member among the available alternative investment funds, subject to the following conditions:

(1) A member may make a selection or change an existing selection ~~at any time; but not more than one (1) time in a twelve (12) month period; under rules established by the PERF board.~~

**The PERF board shall allow a member to make a selection or change any existing selection at least once each quarter.**

(2) The PERF board shall implement the member's selection beginning the first day of the next calendar quarter that begins at least thirty (30) days after the selection is received by the PERF board. This date is the effective date of the member's selection.

(3) A member may select any combination of the available investment funds, in ten percent (10%) increments.



(4) A member's selection remains in effect until a new selection is made.

(5) On the effective date of a member's selection, the board shall reallocate the member's existing balance or balances in accordance with the member's direction, based on the market value on the effective date.

(6) If a member does not make an investment selection of the alternative investment programs, the member's account shall be invested in the PERF board's general investment fund.

(7) All contributions to the member's account shall be allocated as of the last day of the quarter in which the contributions are received in accordance with the member's most recent effective direction. The PERF board shall not reallocate the member's account at any other time.

(c) When a member transfers the amount credited to the member from one (1) alternative investment program to another alternative investment program, the amount credited to the member shall be valued at the market value of the member's investment, as of the day before the effective date of the member's selection. When a member retires, becomes disabled, dies, or withdraws from the fund, the amount credited to the member shall be the market value of the member's investment as of the last day of the quarter preceding the member's distribution or annuitization at retirement, disability, death, or withdrawal, plus contributions received after that date.

(d) The PERF board shall determine the value of each alternative program in the defined contribution fund, as of the last day of each calendar quarter, as follows:

(1) The market value shall exclude the employer contributions and employee contributions received during the quarter ending on the current allocation date.

(2) The market value as of the immediately preceding quarter end date shall include the employer contributions and employee contributions received during that preceding quarter.

(3) The market value as of the immediately preceding quarter end date shall exclude benefits paid from the fund during the quarter ending on the current quarter end date.

SECTION 5. IC 2-3.5-5-6, AS AMENDED BY P.L.205-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) A participant who terminates service as a member of the general assembly is entitled to withdraw both the participant's employee contribution account and employer contribution account from the defined contribution fund. The withdrawal shall be made ~~on the later of the first day of the month following termination of service or thirty (30) days after the board receives a request for withdrawal from the fund:~~ **not later than the required beginning date under the Internal Revenue Code.** The amount available for the withdrawal shall be the fair market value of the participant's accounts on the ~~June 30 last day of the quarter~~ preceding the date of withdrawal plus employee contributions deducted ~~and employer contributions made~~ since the ~~June 30 last day of the quarter~~ preceding the date of withdrawal.

(b) The withdrawal amount shall be paid in a lump sum, **a partial lump sum**, a monthly annuity as purchased by the PERF board with the ~~withdrawal remaining~~ amount, or a series of monthly installment payments over sixty (60), one hundred twenty (120), or one hundred eighty (180) months, as elected by the participant. The forms of annuity and installments shall be established by the PERF board by rule, in consultation with the system's actuary. **The PERF board shall give participants information on these forms of payments and the effects of various dates of withdrawal.**

SECTION 6. IC 2-3.5-5-7, AS AMENDED BY P.L.205-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) This section applies to a participant who dies while a member of the general assembly, or who dies after terminating service as a member of the general assembly and prior to withdrawing the participant's account from the defined contribution fund. The participant's employee contribution account and the participant's employer contribution account shall be paid to a beneficiary or the beneficiaries designated on a form prescribed by the board. The amount paid shall be the fair market value of the participant's accounts on the ~~June 30 last day of the quarter~~

preceding the date of payment, plus employee contributions deducted ~~and employer contributions made~~ since the ~~June 30 last day of the quarter~~ preceding the date of payment. If there is no properly designated beneficiary, or if no beneficiary survives the participant, the participant's accounts shall be paid to:

(1) the surviving spouse of the participant;

(2) if there is no surviving spouse, a surviving dependent or the surviving dependents of the participant; or

(3) if there is no surviving spouse and no surviving dependent, the estate of the participant.

(b) Amounts payable under this section shall be paid in a lump sum, **a partial lump sum**, a monthly annuity as purchased by the PERF board with the ~~withdrawal remaining~~ amount, or a series of monthly installment payments over sixty (60) months, as elected by the recipient. The forms of annuity and installments available shall be established by the PERF board by rule, in consultation with the system's actuary.

SECTION 7. IC 5-10-8-1, AS AMENDED BY P.L.50-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The following definitions apply in this chapter:

(1) "Employee" means:

(A) an elected or appointed officer or official, or a full-time employee;

(B) if the individual is employed by a school corporation, a full-time or part-time employee;

(C) for a local unit public employer, a full-time or part-time employee or a person who provides personal services to the unit under contract during the contract period; or

(D) a senior judge appointed under IC 33-2-1-8;

whose services have continued without interruption at least thirty (30) days.

(2) "Group insurance" means any of the kinds of insurance fulfilling the definitions and requirements of group insurance contained in IC 27-1.

(3) "Insurance" means insurance upon or in relation to human life in all its forms, including life insurance, health insurance, disability insurance, accident insurance, hospitalization insurance, surgery insurance, medical insurance, and supplemental medical insurance.

(4) "Local unit" includes a city, town, county, township, public library, or school corporation.

(5) "New traditional plan" means a self-insurance program established under section 7(b) of this chapter to provide health care coverage.

(6) "Public employer" means the state or a local unit, including any board, commission, department, division, authority, institution, establishment, facility, or governmental unit under the supervision of either, having a payroll in relation to persons it immediately employs, even if it is not a separate taxing unit.

**With respect to the legislative branch of government, "public employer" or "employer" refers to the following:**

(A) **The president pro tempore of the senate, with respect to former members or employees of the senate.**

(B) **The principal clerk of the house, with respect to former members or employees of the house of representatives.**

(C) **The legislative council, with respect to former employees of the legislative services agency.**

(7) "Public employer" does not include a state educational institution (as defined under IC 20-12-0.5-1).

(8) "Retired employee" means:

(A) in the case of a public employer that participates in the public employees' retirement fund, a former employee who qualifies for a benefit under IC 5-10.3-8 **or IC 5-10.2-4;**

(B) in the case of a public employer that participates in the teachers' retirement fund under IC 21-6.1, a former employee who qualifies for a benefit under IC 21-6.1-5; and

(C) in the case of any other public employer, a former employee who meets the requirements established by the public employer for participation in a group insurance plan for retired employees.

(9) "Retirement date" means the date that the employee has

chosen to receive retirement benefits from the employees' retirement fund.

SECTION 8. IC 5-10-8-8, AS AMENDED BY P.L.233-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) This section applies only to the state and its employees who are not covered by a plan established under section 6 of this chapter.

(b) After June 30, 1986, the state shall provide a group health insurance plan to each retired employee:

(1) whose retirement date is:

(A) after June 29, 1986, for a retired employee who was a member of the field examiners' retirement fund;

(B) after May 31, 1986, for a retired employee who was a member of the Indiana state teachers' retirement fund; or

(C) after June 30, 1986, for a retired employee not covered by clause (A) or (B);

(2) who will have reached fifty-five (55) years of age on or before the employee's retirement date but who will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;

(3) who will have completed twenty (20) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which shall have been completed immediately preceding the retirement; and

(4) who will have completed at least fifteen (15) years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date.

(c) The state shall provide a group health insurance program to each retired employee:

(1) who is a retired judge;

(2) whose retirement date is after June 30, 1990;

(3) who is at least sixty-two (62) years of age;

(4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(5) who has at least eight (8) years of service credit as a participant in the Indiana judges' retirement fund, with at least eight (8) years of that service credit completed immediately preceding the judge's retirement.

(d) The state shall provide a group health insurance program to each retired employee:

(1) who is a retired participant under the prosecuting attorneys retirement fund;

(2) whose retirement date is after January 1, 1990;

(3) who is at least sixty-two (62) years of age;

(4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(5) who has at least ten (10) years of service credit as a participant in the prosecuting attorneys retirement fund, with at least ten (10) years of that service credit completed immediately preceding the participant's retirement.

(e) The state shall make available a group health insurance program to each former member of the general assembly or surviving spouse of each former member, if the former member:

(1) is no longer a member of the general assembly;

(2) is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. or, in the case of a surviving spouse, the surviving spouse is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395, et. seq.; and

(3) has at least ten (10) years of service credit as a member in the general assembly.

A former member or surviving spouse of a former member who obtains insurance under this section is responsible for paying both the employer and the employee share of the cost of the coverage.

(f) The group health insurance program required under subsections (b) through (e) must be equal to that offered active employees. The retired employee may participate in the group health insurance program if the retired employee pays an amount equal to the employer's and the employee's premium for the group health insurance for an active employee and if the retired employee within ninety (90) days after the employee's retirement date files a written request for insurance coverage with the employer. However, the

employer may elect to pay any part of the retired employee's premium **with respect to insurance coverage under this chapter.**

(g) **Except as provided in subsection (j),** a retired employee's eligibility to continue insurance under this section ends when the employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program. A retired employee who is eligible for insurance coverage under this section may elect to have the employee's spouse covered under the health insurance program at the time the employee retires. If a retired employee's spouse pays the amount the retired employee would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under this section is not affected by the death of the retired employee. The surviving spouse's eligibility ends on the earliest of the following:

(1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program.

(3) Two (2) years after the date of the employee's death.

(4) The date of the spouse's remarriage.

(h) This subsection does not apply to an employee who is entitled to group insurance coverage under IC 20-6.1-6-1(c). An employee who is on leave without pay is entitled to participate for ninety (90) days in any health insurance program maintained by the employer for active employees if the employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance.

(i) An employer may provide group health insurance for retired employees or their spouses not covered by this section and may provide group health insurance that contains provisions more favorable to retired employees and their spouses than required by this section. A public employer may provide group health insurance to an employee who is on leave without pay for a longer period than required by subsection (h).

**(j) An employer may elect to permit former employees and their spouses, including surviving spouses, to continue to participate in a group health insurance program under this chapter after the former employee (who is otherwise qualified under this chapter to participate in a group insurance program) or spouse has become eligible for Medicare coverage as prescribed by 42 U.S.C.A. 1395 et seq. An employer who makes an election under this section may require a person who continues coverage under this subsection to participate in a retiree health benefit plan developed under section 8.3 of this chapter.**

SECTION 9. IC 5-10-8-8.1, AS AMENDED BY P.L.233-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8.1. (a) This section applies only to the state and former legislators. ~~instead of section 8 of this chapter.~~

(b) As used in this section, "legislator" means a member of the general assembly.

(c) After June 30, 1988, the state shall provide to each retired legislator:

(1) whose retirement date is after June 30, 1988;

(2) who is not participating in a group health insurance coverage plan:

(A) including Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; but

(B) not including a group health insurance plan provided by the state or a health insurance plan provided under IC 27-8-10;

(3) who served as a legislator for at least ten (10) years; and

(4) who participated in a group health insurance plan provided by the state on the legislator's retirement date;

a group health insurance program that is equal to that offered active employees.

(d) A retired legislator who qualifies under subsection (c) may participate in the group health insurance program if the retired legislator:

(1) pays an amount equal to the employer's and employee's premium for the group health insurance for an active employee; and

(2) within ninety (90) days after the legislator's retirement date

files a written request for insurance coverage with the employer.

(e) **Except as provided in section 8(j) of this chapter**, a retired legislator's eligibility to continue insurance under this section ends when the member becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program.

(f) A retired legislator who is eligible for insurance coverage under this section may elect to have the legislator's spouse covered under the health insurance program at the time the legislator retires. If a retired legislator's spouse pays the amount the retired legislator would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under this section is not affected by the death of the retired legislator and is not affected by the retired legislator's eligibility for Medicare. **Except as provided in section 8(j) of this chapter**, the spouse's eligibility ends on the earliest of the following:

- (1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the employer terminates the health insurance program.
- (3) The date of the spouse's remarriage.

(g) The surviving spouse of a legislator who dies or has died in office may elect to participate in the group health insurance program if all of the following apply:

- (1) The deceased legislator would have been eligible to participate in the group health insurance program under this section had the legislator retired on the day of the legislator's death.
- (2) The surviving spouse files a written request for insurance coverage with the employer.
- (3) The surviving spouse pays an amount equal to the employer's and employee's premium for the group health insurance for an active employee.

(h) **Except as provided in section 8(j) of this chapter**, the eligibility of the surviving spouse of a legislator to purchase group health insurance under subsection (g) ends on the earliest of the following:

- (1) When the employer terminates the health insurance program.
- (2) The date of the spouse's remarriage.
- (3) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

SECTION 10. IC 5-10-8-8.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8.2. (a) As used in this section, "former legislator" means a former member of the general assembly.

(b) As used in this section, "dependent" means an unmarried person who:

- (1) is:
  - (A) a dependent child, stepchild, foster child, or adopted child of a former legislator or spouse of a former legislator; or
  - (B) a child who resides in the home of a former legislator or spouse of a former legislator who has been appointed legal guardian for the child; and
- (2) is:
  - (A) less than twenty-three (23) years of age;
  - (B) at least twenty-three (23) years of age, incapable of self-sustaining employment by reason of mental or physical disability, and is chiefly dependent on a former legislator or spouse of a former legislator for support and maintenance; or
  - (C) at least twenty-three (23) years of age and less than twenty-five (25) years of age and is enrolled in and is a full-time student at an accredited college or university.

(c) As used in this section, "spouse" means a person who is or was married to a former legislator.

(d) After June 30, 2001, the state shall provide to a former legislator:

- (1) whose last day of service as a member of the general assembly was after December 31, 2000;
- (2) who served in all or part of at least four (4) terms of the general assembly (as defined in IC 2-2.1-1-1);
- (3) who pays an amount equal to the employee's and employer's

premium for the group health insurance for an active employee; and

(4) who files a written request for insurance coverage with the employer within ninety (90) days after the former legislator's:

- (A) last day of service as a member of the general assembly; or
- (B) retirement date;

a group health insurance program that is equal to that offered to active employees.

(e) **Except as provided by section 8(j) of this chapter**, the eligibility of a former legislator to continue insurance under this section ends when the former legislator becomes eligible for Medicare coverage as prescribed by 42 U.S.C.A. 1395 et seq. or when the employer terminates the health insurance program.

(f) A former legislator who is eligible for insurance coverage under this section may elect to have a spouse or dependent of the former legislator covered under the health insurance program. A former legislator who makes an election under this subsection must pay the employee's and employer's premium for the group health insurance program for an active employee that is attributable to the inclusion of a spouse or dependent.

(g) A spouse or dependent may continue insurance under this section after the death of the former legislator if the spouse or dependent pays the amount the former legislator would have been required to pay for coverage selected by the spouse or dependent.

(h) **Except as provided under section 8(j) of this chapter**, the eligibility of a spouse to continue insurance under this section ends on the earliest of the following:

- (1) When the employer terminates the health insurance program.
- (2) The date of the legislative spouse's remarriage.
- (3) When the required amount for coverage is not paid with respect to the spouse.
- (4) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C.A. 1395 et seq.

(i) The eligibility of a dependent to continue insurance under this section ends on the earliest of the following:

- (1) When the employer terminates the health insurance program.
- (2) The date the dependent no longer meets the definition of a dependent.
- (3) When the required amount for coverage is not paid with respect to the dependent.

(j) The spouse of a deceased former legislator may elect to participate in the group health insurance program under this section if all of the following apply:

- (1) The deceased legislator:
  - (A) died after December 31, 2000, while serving as a member of the general assembly; and
  - (B) served in all or part of at least four (4) terms of the general assembly (as defined in IC 2-2.1-1-1).
- (2) The surviving spouse files a written request for insurance coverage with the employer.
- (3) The surviving spouse pays an amount equal to the employee's and employer's premium for the group health insurance for an active employee, including any amount with respect to covered dependents of the former legislator.

(k) **Except as provided under section 8(j) of this chapter**, the eligibility of the surviving spouse under subsection (j) ends on the earliest of the following:

- (1) When the employer terminates the health insurance program.
- (2) The date of the spouse's remarriage.
- (3) When the required amount for coverage is not paid with respect to the spouse and any covered dependent.
- (4) When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C.A. 1395 et seq.

SECTION 11. IC 5-10-8-8.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8.3. (a) As used in this section, "department" refers to the state personnel department.

(b) The department shall establish, or contract for the establishment of, at least two (2) retiree health benefit plans to be available for former employees of:

- (1) the state; and
- (2) the legislative branch of government;

whose employer elects under section 8(j) of this chapter to permit its former employees to continue to participate in a health insurance program under this chapter after the employees have become eligible for Medicare coverage. At least one (1) of the plans offered to former employees must include coverage for prescription drugs comparable to a Medicare plan that provides prescription drug benefits.

Renumber all SECTIONS consecutively.

(Reference is to HB 1667 as printed February 22, 2001.)

M. SMITH

*(Journal Clerk's Note: the author and coauthor of HB 1667 filed written consent to the "strip and insert" amendment.)*

Motion prevailed. The bill was ordered engrossed.

### House Bill 1673

Representative Dillon called down House Bill 1673 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1673-1)

Mr. Speaker: I move that House Bill 1673 be amended to read as follows:

Page 2, between lines 24 and 25, begin a new paragraph and insert: "**(c) The foundation may use funds received from the auditor of state under P.L.63-2000, SEC. 3, to develop the program described in subsection (b).**".

Page 2, line 25, delete "(c)" and insert "(d)".

(Reference is to HB 1673 as printed February 21, 2001.)

DILLON

Motion prevailed. The bill was ordered engrossed.

### House Bill 1688

Representative Ayres called down House Bill 1688 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1688-1)

Mr. Speaker: I move that House Bill 1688 be amended to read as follows:

Page 1, delete lines 13 through 15.

Page 1, after line 12, begin a new subparagraph and insert:

"**(9) One (1) member appointed jointly by the executives of Burns Harbor, Porter and Beverly Shores.**"

Page 2, delete lines 1 through 22.

Page 2, line 24, delete "Except as".

Page 2, line 25, delete "provided in subsection (c),".

Page 2, line 25, delete "members" and insert "Members"

Page 2, delete lines 35 through 42.

Renumber all SECTIONS consecutively.

(Reference is to HB 1688 as printed February 21, 2001.)

AYRES

Motion prevailed. The bill was ordered engrossed.

### House Bill 1764

Representative Pelath called down House Bill 1764 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1764-1)

Mr. Speaker: I move that House Bill 1764 be amended to read as follows:

Page 1, line 2, delete "[EFFECTIVE JANUARY 1, 2001]" and insert "[EFFECTIVE JULY 1, 2001]".

Page 3, line 23, delete "[EFFECTIVE JANUARY 1, 2001]" and insert "[EFFECTIVE JULY 1, 2001]".

(Reference is to HB 1764 as printed February 21, 2001.)

PELATH

Motion prevailed. The bill was ordered engrossed.

### House Bill 1882

Representative Pelath called down House Bill 1882 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1882-1)

Mr. Speaker: I move that House Bill 1882 be amended to read as follows:

Page 1, line 3, delete "An action by a:" and insert "**As used in this section, "telecommunications utility" means a telecommunications provider (as defined in IC 8-1-29-3) over which the commission has jurisdiction.**".

Page 1, delete lines 4 through 5, begin a new paragraph and insert: "**(b) Except as provided in subsection (c), an action by a public utility or a municipally owned utility**".

Page 1, line 8, delete "IC 34-11-2-13." and insert "**IC 34-11-2-13(a).**".

Page 1, line 9, delete "(b)".

Page 1, run in lines 8 through 9.

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"**(c) An action by a telecommunications utility against a customer or former customer to recover payment of a delinquent bill for telecommunications service (as defined in IC 8-1-29-4) must be commenced within the six (6) year period of limitation set forth in IC 34-11-2-13(b). A telecommunications utility may not:**

**(1) deny telecommunications service to a customer; or**

**(2) disconnect the customer's telecommunications service;**

**on the ground that the customer has an outstanding or delinquent bill for telecommunications service provided more than six (6) years earlier.**".

Page 1, line 16, delete "An" and insert "**(a) Except as provided in subsection (b), an**".

Page 2, between lines 5 and 6, begin a new paragraph and insert:

"**(b) An action by a telecommunications utility (as defined in IC 8-1-2-124) against a customer or former customer to recover payment of a delinquent bill for telecommunications service (as defined in IC 8-1-29-4) must be commenced within six (6) years after the latest date of service covered by the delinquent bill.**".

(Reference is to HB 1882 as printed February 6, 2001.)

PELATH

Motion prevailed.

HOUSE MOTION  
(Amendment 1882-3)

Mr. Speaker: I move that House Bill 1882 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"**SECTION 1. IC 8-1-2-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 42. (a) No change shall be made in any schedule, including schedules of joint rates, except upon thirty (30) days notice to the commission and approval by the commission, and all such changes shall be plainly indicated upon existing schedules or by filing new schedules in lieu thereof thirty (30) days prior to the time the same are to take effect. The commission may prescribe a shorter time within which a change may be made. A public, municipally owned, or cooperatively owned utility may not file a request for a general increase in its basic rates and charges within fifteen (15) months after the filing date of its most recent request for a general increase in its basic rates and charges, except that the commission may order a more timely increase if:**

**(1) the requested increase relates to a different type of utility service;**

**(2) the commission finds that the utility's financial integrity or service reliability is threatened; or**

**(3) the increase is based on:**

**(A) a rate structure previously approved by the commission;**

or

(B) orders of federal courts or federal regulatory agencies having jurisdiction over the utility.

The phrase "general increase in basic rates and charges" does not include changes in rates related solely to the cost of fuel or to the cost of purchased gas or purchased electricity or adjustments in accordance with tracking provisions approved by the commission.

(b) No schedule of rates, tolls, and charges of a public, municipally owned, or cooperatively owned utility which includes or authorizes any changes in charges based upon costs is effective without the approval of the commission. Before the commission approves any changes in the schedule of rates, tolls, and charges of an electric utility ~~which that~~ generates and sells electricity based upon the cost of fuel to generate electricity or upon the cost of fuel included in the cost of purchased electricity, the utility consumer counselor shall examine the books and records of the public, municipally owned, or cooperatively owned generating utility to determine the cost of fuel upon which the proposed charges are based. **To the extent permitted under section 49 of this chapter, the utility consumer counselor may also examine the books and records of any affiliated interest from which the utility purchases fuel or electricity to determine the reasonableness of the cost of fuel or electricity upon which the proposed charges are based.** In addition, before such a fuel cost charge becomes effective, the commission shall hold a summary hearing on the sole issue of the fuel charge. The utility consumer counselor shall conduct ~~his~~ a review and make a report to the commission within twenty (20) days after the utility's request for the fuel cost charge is filed. The commission shall hold the summary hearing and issue its order within twenty (20) days after it receives the utility consumer counselor's report. The provisions of this section and sections 39, 43, 54, 55, 56, 59, 60, and 61 of this chapter concerning the filing, printing, and changing of rate schedules and the time required for giving notice of hearing and requiring publication of notice do not apply to such a fuel cost charge or such a summary hearing.

(c) Regardless of the pendency of any request for a fuel cost charge by any electric utility, the books and records pertaining to the cost of fuel of all public, municipally owned, or cooperatively owned utilities that generate electricity shall be examined by the utility consumer counselor not less often than quarterly, and the books and records of all electric nongenerating public, municipally owned, or cooperatively owned utilities shall be examined by the utility consumer counselor not less often than annually. **At the time of a quarterly or an annual examination under this subsection, and to the extent permitted under section 49 of this chapter, the utility consumer counselor may also examine the books and records of any affiliated interest from which an electric utility purchases fuel or electricity to determine the reasonableness of the cost of the fuel or electricity obtained by the utility.** The utility consumer counselor shall provide the commission with a report as to the examination of said books and records within a reasonable time following said examination. The utility consumer counselor may, if appropriate, request of the commission a reduction or elimination of the fuel cost charge. Upon such request, the commission shall hold a hearing forthwith in the manner provided in sections 58, 59, and 60 of this chapter.

(d) An electric generating utility may apply for a change in its fuel charge not more often than each three (3) months. When such application is filed, the petitioning utility shall show to the commission its cost of fuel to generate electricity and the cost of fuel included in the cost of purchased electricity for the period between its last order from the commission approving fuel costs in its basic rates and the latest month for which actual fuel costs are available. The petitioning utility shall also estimate its average fuel costs for the three (3) calendar months subsequent to the expiration of the twenty (20) day period allowed the commission in subsection (b). The commission shall conduct a formal hearing solely on the fuel cost charge requested in the petition subject to the notice requirements of IC 8-1-1-8 and shall grant the electric utility the requested fuel cost charge if ~~it finds that:~~ **the commission makes the following determinations:**

(1) The electric utility has made every reasonable effort to acquire fuel and generate or purchase power or both so as to provide electricity to its retail customers at the lowest fuel cost reasonably possible.

(2) The actual increases in fuel cost through the latest month for which actual fuel costs are available since the last order of the commission approving basic rates and charges of the electric utility have not been offset by **any combination of the following:**

(A) Actual decreases in ~~the electric utility's~~ other operating expenses.

(B) **Actual increases in the electric utility's revenues. In ascribing revenue to the electric utility, the commission may ignore any corporate distinction between the electric utility and an affiliated interest (as defined in section 49 of this chapter) from which the electric utility purchases fuel or electricity. Accordingly, the commission may consider any profits that:**

(i) are received by an affiliated interest of the electric utility from the sale of fuel or electricity to the electric utility; and

(ii) result in the affiliated interest earning a rate of return that exceeds the rate of return authorized by the commission for the electric utility in the last proceeding in which the basic rates and charges of the electric utility were approved;

**to be revenues of the electric utility.**

(3) The fuel adjustment charge applied for will not result in the electric utility earning a return in excess of the return authorized by the commission in the last proceeding in which the basic rates and charges of the electric utility were approved. However, subject to section 42.3 of this chapter, if the fuel charge applied for will result in the electric utility earning a return in excess of the return authorized by the commission in the last proceeding in which basic rates and charges of the electric utility were approved, the fuel charge applied for will be reduced to the point where no such excess of return will be earned. ~~and~~

(4) The utility's estimate of its prospective average fuel costs for each such three (3) calendar months are reasonable after taking into consideration:

(A) the actual fuel costs experienced by the utility during the latest three (3) calendar months for which actual fuel costs are available; and

(B) the estimated fuel costs for the same latest three (3) calendar months for which actual fuel costs are available.

(e) Should the commission at any time determine that an emergency exists that could result in an abnormal change in fuel costs, it may, in order to protect the public from the adverse effects of such change, suspend the provisions of subsection (d) as to the utility or utilities affected by such an emergency and initiate such procedures as may be necessary to protect both the public and the utility from harm. The commission shall lift the suspension when it is satisfied the emergency no longer exists.

(f) Any change in the fuel cost charge granted by the commission under the provisions of this section shall be reflected in the rates charged by the utility in the same manner as any other changes in rates granted by the commission in a case approving the basic rates and charges of the utility. However, the utility may file the change as a separate amendment to its rate schedules with a reasonable reference therein that such charge is applicable to all of its filed rate schedules.

(g) No schedule of rates, tolls, and charges of a public, municipally owned, or cooperatively owned gas utility that includes or authorizes any changes in charges based upon gas costs is effective without the approval of the commission except those rates, tolls, and charges contained in schedules that contain specific provisions for changes in gas costs or the cost of gas that have previously been approved by the commission. Gas costs or cost of gas may include the gas utility's costs for gas purchased by it from pipeline suppliers, costs incurred for leased gas storage and related transportation, costs for

supplemental and substitute gas supplies, costs incurred for exploration and development of its own sources of gas supplies, and other expenses relating to gas costs as shall be approved by the commission. Changes in a gas utility's rates, tolls, and charges based upon changes in its gas costs shall be made in accordance with the following provisions:

(1) Before the commission approves any changes in the schedule of rates, tolls, and charges of a gas utility based upon the cost of the gas, the utility consumer counselor may examine the books and records of the public, municipally owned, or cooperatively owned gas utility to determine the cost of gas upon which the proposed changes are based. **To the extent permitted under section 49 of this chapter, the utility consumer counselor may also examine the books and records of any affiliated interest from which the gas utility purchases gas to determine the reasonableness of the cost of gas upon which the proposed charges are based.** In addition, before such an adjustment to the gas cost charge becomes effective, the commission shall hold a summary hearing on the sole issue of the gas cost adjustment. The utility consumer counselor shall conduct ~~his~~ a review and make a report to the commission within thirty (30) days after the utility's request for the gas cost adjustment is filed. The commission shall hold the summary hearing and issue its order within thirty (30) days after it receives the utility consumer counselor's report. The provisions of this section and sections 39, 43, 54, 55, 56, 59, 60, and 61 of this chapter concerning the filing, printing, and changing of rate schedules and the time required for giving notice of hearing and requiring publication of notice do not apply to such a gas cost adjustment or such a summary hearing.

(2) Regardless of the pendency of any request for a gas cost adjustment by any gas utility, the books and records pertaining to cost of gas of all public, municipally owned, or cooperatively owned gas utilities shall be examined by the utility consumer counselor not less often than annually. **At the time of an annual examination under this subsection, and to the extent permitted under section 49 of this chapter, the utility consumer counselor may also examine the books and records of any affiliated interest from which a gas utility purchases gas to determine the reasonableness of the cost of the gas obtained by the utility.** The utility consumer counselor shall provide the commission with a report as to the examination of said books and records within a reasonable time following said examination. The utility consumer counselor may, if appropriate, request of the commission a reduction or elimination of the gas cost adjustment. Upon such request, the commission shall hold a hearing forthwith in the manner provided in sections 58, 59, and 60 of this chapter.

(3) A gas utility may apply for a change in its gas cost charge not more often than each three (3) months. When such application is filed, the petitioning utility shall show to the commission its cost of gas for the period between its last order from the commission approving gas costs in its basic rates and the latest month for which actual gas costs are available. The petitioning utility shall also estimate its average gas costs for a recovery period of not less than the three (3) calendar months subsequent to the expiration of the thirty (30) day period allowed the commission in subdivision (1). The commission shall conduct a summary hearing solely on the gas cost adjustment requested in the petition subject to the notice requirements of IC 8-1-1-8 and may grant the gas utility the requested gas cost charge if ~~it finds that:~~ **the commission makes the following determinations:**

(A) The gas utility has made every reasonable effort to acquire long term gas supplies so as to provide gas to its retail customers at the lowest gas cost reasonably possible.

(B) The pipeline supplier or suppliers of the gas utility, **or any affiliated interests of the gas utility from which the gas utility purchases gas,** ~~has~~ requested or ~~has~~ have filed for a change in the costs of gas pursuant to the jurisdiction and procedures of a duly constituted regulatory authority.

(C) **The actual increases in gas costs through the latest month for which actual gas costs are available since the last order of the commission approving basic rates and charges of the gas utility have not been offset by actual decreases in the gas utility's other operating expenses or actual increases in the gas utility's revenues, or both. In ascribing revenues to the gas utility, the commission may ignore any corporate distinction between the gas utility and an affiliated interest (as defined in section 49 of this chapter) from which the gas utility purchases gas. Accordingly, the commission may consider any profits that:**

(i) are received by an affiliated interest of the gas utility from the sale of gas to the gas utility; and

(ii) result in the affiliated interest earning a rate of return that exceeds the rate of return authorized by the commission for the gas utility in the last proceeding in which the basic rates and charges of the gas utility were approved;

**to be revenues of the gas utility.**

(D) The gas cost adjustment applied for will not result, in the case of a public utility, in its earning a return in excess of the return authorized by the commission in the last proceeding in which the basic rates and charges of the public utility were approved; however, subject to section 42.3 of this chapter, if the gas cost adjustment applied for will result in the public utility earning a return in excess of the return authorized by the commission in the last proceeding in which basic rates and charges of the gas utility were approved, the gas cost adjustment applied for will be reduced to the point where no such excess of return will be earned. ~~and~~

~~(E)~~ (E) The utility's estimate of its prospective average gas costs for each such future recovery period is reasonable and gives effect to:

(i) the actual gas costs experienced by the utility during the latest recovery period for which actual gas costs are available; and

(ii) the actual gas costs recovered by the adjustment of the same recovery period.

(4) Should the commission at any time determine that an emergency exists that could result in an abnormal change in gas costs, it may, in order to protect the public or the utility from the adverse effects of such change, suspend the provisions of subdivision (3) as to the utility or utilities affected by such an emergency and initiate such procedures as may be necessary to protect both the public and the utility from harm. The commission shall lift the suspension when it is satisfied the emergency no longer exists.

(5) Any change in the gas cost charge granted by the commission under the provisions of this section shall be reflected in the rates charged by the utility in the same manner as any other changes in rates granted by the commission in a case approving the basic rates and charges of the utility. However, the utility may file the change as a separate amendment to its rate schedules with a reasonable reference therein that such charge is applicable to all of its filed rate schedules.

SECTION 2. IC 8-1-2-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 49. ~~(a)~~ (a) The commission, or any commissioner when authorized by the commission, or any person or persons employed by the commission for that purpose shall upon demand have the right to inspect the books, accounts, papers, records, and memoranda of any public utility and to examine, under oath, any officer, agent, or employee of such public utility in relation to its business and affairs. Any person other than one of said commissioners who shall make such demand shall produce ~~his~~ **the person's** authority to make such inspection. The commission shall have jurisdiction over holders of the voting capital stock of all public utility companies under its jurisdiction to such extent as may be necessary to enable the commission to require the disclosure of the identity in respective interests of every owner of any substantial interest in such voting capital stock. One percent (1%) or more is a

substantial interest, within the meaning of this section.

~~(2) Said (b) The~~ commission shall have jurisdiction over an affiliated ~~interests interest~~ having transactions, other than ownership of stock and receipt of dividends thereon, with a utility corporations and corporation or other utility companies company under the jurisdiction of the commission, to the extent of access to all accounts and records, of joint or general expenses, any portion of which may be applicable to such transactions, and to the extent of authority to require such reports to be submitted by ~~such the~~ affiliated ~~interests interest~~ as the commission may prescribe. **However, the commission shall have jurisdiction over an affiliated interest having transactions, other than ownership of stock and receipt of dividends thereon, with an electric utility or a gas utility under the jurisdiction of the commission, to the extent of:**

**(1) access to all of the affiliated interest's accounts and records, any portion of which may apply, directly or indirectly, to:**

**(A) any transaction between the electric or gas utility and the affiliated interest: or**

**(B) any goods, services, or other consideration exchanged between the electric or gas utility and the affiliated interest; and**

**(2) authority to require any reports to be submitted by the affiliated interest as the commission may prescribe.**

**(c)** For the purpose of this section only, "affiliated interests" include the following:

~~(a)~~ **(1)** Every corporation and person owning or holding directly or indirectly ten percent (10%) or more of the voting capital stock of such utility corporation.

~~(b)~~ **(2)** Every corporation and person in any chain of successive ownership of ten percent (10%) or more of voting capital stock.

~~(c)~~ **(3)** Every corporation ten percent (10%) or more of whose voting capital stock is owned by any person or corporation owning ten percent (10%) or more of the voting capital stock of such utility corporation or by any person or corporation in any such chain of successive ownership of ten percent (10%) or more of voting capital stock.

~~(d)~~ **(4)** Every person who is an officer or director of such utility corporation or of any corporation in any chain of successive ownership of ten percent (10%) or more of voting capital stock.

~~(e)~~ **(5)** Every corporation which has one (1) or more officers or one (1) or more directors in common with such utility corporation.

~~(f)~~ **(6)** Every corporation or person which the commission may determine as a matter of fact after investigation and hearing is actually exercising any substantial influence over the policies and actions of such utility corporation even though such influence is not based upon stockholding, stockholders, directors, or officers to the extent specified in this section.

~~(g)~~ **(7)** Every person or corporation who or which the commission may determine as a matter of fact after investigation and hearing is actually exercising such substantial influence over the policies and actions of such utility corporation in conjunction with one (1) or more other corporations and/or persons with which or whom they are related by ownership and/or blood relationship or by action in concert that together they are affiliated with such utility corporation within the meaning of this section even though no one of them alone is so affiliated. ~~provided;~~ However, ~~that~~ no such person or corporation shall be considered as affiliated within the meaning of this section if such person or corporation is otherwise subject to the jurisdiction of the commission or such person or corporation shall not have had transactions or dealings other than the holding of stock and the receipt of dividends thereon with such utility corporation during the two (2) year period next preceding.

No management, construction, engineering, or similar contract, made after March 8, 1933, with any affiliated interest, as defined in this section, shall be effective unless it shall first have been filed with the commission. If it be found that any such contract is not in the public interest, the commission, after investigation and a hearing, is hereby

authorized to disapprove such contract.

~~(3) (d)~~ Every annual report of any utility corporation reporting under this chapter to the commission shall contain, in addition to any other information required to be included by or pursuant to law, the following information:

~~(a)~~ **(1)** It shall state the name and address of, and the number of shares held by each holder of one percent (1%) or more of the voting capital stock of the reporting corporation, according to its records.

~~(b)~~ **(2)** Where one percent (1%) or more of the voting capital stock of the reporting corporation is held by a trustee or trustees, or other intermediate agency, for the beneficial interest of an owner or owners, other than the holder of record, or where one percent (1%) or more of the voting capital stock of the reporting corporation is held by another corporation, such annual report shall state, if the information is available from the records of the reporting corporation, the name and addresses and respective interests of such beneficial owners, and the names and addresses of the officers and directors of any such other corporation and the total number of shares of capital stock thereof held by each, showing separately the number of shares of the voting capital stock, and the names and addresses and respective stockholdings of every stockholder of such other corporation holding one percent (1%) or more of its voting capital stock. Such report shall be accompanied by a certified copy of each trust agreement or other instrument under which any voting capital stock of the reporting corporation is held.

Where the information specified in subsection ~~(3)(b)~~ **(c)(2)** is not available from the records of the reporting corporation, any such holder, of record, of one percent (1%) or more of the voting capital stock of the reporting corporation, if ordered so to do by the commission, shall file with the commission, a sworn statement, in such form and to be filed within such time as the commission shall prescribe, setting forth whether or not any of such stock held by him or it is so held for the beneficial ownership of any person, firm, limited liability company, or corporation other than the record holder thereof, and, if stated to be so held, the names, addresses, and respective interests of such beneficial owners. If such stockholder is a trustee, he or it also shall file with such statement a certified copy of the trust agreement or other instrument under which such stock is held. A corporation which is the holder, of record, of one percent (1%) or more of the voting capital stock of the reporting corporation, if ordered so to do by the commission, and regardless of whether the information is or is not available or apparently available from the records of the reporting corporation, also shall file with the commission a sworn statement, in such form and to be filed within such time as the commission shall prescribe, or shall include in the sworn statement, if any, required to be filed by it pursuant to other provisions of this chapter a statement setting forth the names and addresses of its officers and directors and the total number of shares of its capital stock, held by each, showing separately the number of shares of the voting capital stock, and the names and addresses and respective stockholdings of each stockholder thereof holding one percent (1%) or more of its voting capital stock.

~~(4) (e)~~ If the annual report, or the sworn statements provided for in this section, do not furnish the information desired, because of any chain of successive ownership or of stockholdings, or because of an intermediate agency or agencies, or for any other reason, the commission, by order, may require similar sworn statements from any person or corporation who or which can give the necessary information, as the commission may have discovered from its investigations, to the end that the commission may obtain a complete disclosure of the natural persons, firms, limited liability companies, or corporations and their respective interests, who or which own or control directly or indirectly one percent (1%) or more of the voting capital stock of the reporting corporation."

Page 2, after line 8, begin a new paragraph and insert:  
"SECTION 6. An emergency is declared for this act."

Renumber all SECTIONS consecutively.



(Reference is to HB 1882 as printed February 6, 2001.)

PELATH

Motion failed.

HOUSE MOTION  
(Amendment 1882-4)

Mr. Speaker: I move that House Bill 1882 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-8.1-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. (a) If a person fails to file a return for any of the listed taxes, fails to pay the full amount of tax shown on his return by the due date for the return or the payment, or incurs a deficiency upon a determination by the department, the person is subject to interest on the nonpayment.

(b) The interest for a failure described in subsection (a) is the adjusted rate established by the commissioner under subsection (c), from the due date for payment. The interest applies to:

- (1) the full amount of the unpaid tax due if the person failed to file the return;
- (2) the amount of the tax that is not paid, if the person filed the return but failed to pay the full amount of tax shown on the return; or
- (3) the amount of the deficiency.

(c) The commissioner shall establish an adjusted rate of interest for a failure described in subsection (a) and for an excess tax payment on or before November 1 of each year. For purposes of subsection (b), the adjusted rate of interest shall be the percentage rounded to the nearest whole number that equals ~~two (2) percentage points above~~ the average investment yield on state money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report. For purposes of IC 6-8.1-9-2(c), the adjusted rate of interest for an excess tax payment is the percentage rounded to the nearest whole number that equals the average investment yield on state money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report. The adjusted rates of interest established under this subsection shall take effect on January 1 of the immediately succeeding year.

(d) For purposes of this section, the filing of a substantially blank or unsigned return does not constitute a return.

(e) Except as provided by IC 6-8.1-5-2(e)(2), the department may not waive the interest imposed under this section.

(f) Subsections (a) through (c) do not apply to a motor carrier fuel tax return."

Renumber all SECTIONS consecutively.

(Reference is to HB 1882 as printed February 6, 2001.)

KRUSE

Representative Moses rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1882 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

## House Bill 1901

Representative Avery called down House Bill 1901 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1901-2)

Mr. Speaker: I move that House Bill 1901 be amended to read as follows:

Page 4, line 24, after "(a)" insert "**This section does not apply to an antique mercury-added novelty.**

(b)".

Page 4, line 32, delete "(b)" and insert "(c)".

Page 4, line 36, after "(a)" insert "**This section does not apply to an antique mercury fever thermometer.**

(b)".

Page 4, line 39, delete "(b)" and insert "(c)".

Page 6, line 6, after "public" insert "**concerning**".

(Reference is to HB 1901 as printed February 22, 2001.)

AVERY

Motion prevailed.

HOUSE MOTION  
(Amendment 1901-1)

Mr. Speaker: I move that House Bill 1901 be amended to read as follows:

Page 4, line 24, after "(a)" insert "**This section does not apply to a product intended mainly for personal or household enjoyment or adornment if:**

- (1) the product uses a mercury-added button cell battery; and
- (2) the only mercury contained in the product is found in the mercury-added button cell battery.

(b)".

Page 4, line 32, delete "(b)" and insert "(c)".

Page 4, line 36, after "(a)" insert "**This section does not apply to a thermometer if:**

- (1) the thermometer uses a mercury-added button cell battery; and
- (2) the only mercury contained in the thermometer is found in the mercury-added button cell battery.

(b)".

Page 4, line 39, delete "(b)" and insert "(c)".

Page 6, line 6, after "public" insert "**concerning**".

(Reference is to HB 1901 as printed February 22, 2001.)

AVERY

Motion prevailed. The bill was ordered engrossed.

## House Bill 1911

Representative Fry called down House Bill 1911 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1911-1)

Mr. Speaker: I move that House Bill 1911 be amended to read as follows:

Delete everything after the enacting clause and insert the following: SECTION 1. [EFFECTIVE JULY 1, 2001] (a) As used in this SECTION 1, "committee" refers to the interim study committee on local measured service provided by telephone companies established by this SECTION 1.

(b) There is established the interim study committee on local measured service. The committee shall study local measured service provided by telephone companies.

(c) The committee shall consist of twelve (12) members, six (6) appointed by the speaker of the house of representatives, no more than three (3) from the same political party, and six (6) appointed by the president pro tempore of the senate, no more than three (3) from the same political party.

(d) The committee shall operate under the policies governing study committees adopted by the legislative council.

(e) The affirmative vote of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports. Final reports shall be submitted to the Legislative council for distribution at the next regular session of the Indiana general assembly.

(f) This SECTION 1 expires December 31, 2001.

(Reference is to HB 1911 as reprinted February 21, 2001.)

FRY

Motion prevailed. The bill was ordered engrossed.

## House Bill 2145

Representative Crosby called down House Bill 2145 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 2145-1)

Mr. Speaker: I move that House Bill 2145 be amended to read as follows:

Page 7, line 33, after "conviction" insert **"the county of the conviction, the cause number of the conviction,"**.

(Reference is to HB 2145 as printed February 21, 2001.)

THOMPSON

Motion prevailed.

HOUSE MOTION  
(Amendment 2145-2)

Mr. Speaker: I move that House Bill 2145 be amended to read as follows:

Page 5, line 28, strike "A or Class" and insert "A, Class B or Class".

Page 5, line 29, strike "B" and insert "C".

(Reference is to HB 2145 as printed February 22, 2001).

MUNSON

Motion prevailed. The bill was ordered engrossed.

### House Bill 1829

Representative Aguilera called down House Bill 1829 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1829-1)

Mr. Speaker: I move that House Bill 1829 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-0.5, AS AMENDED BY P.L.133-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 0.5. (a) "Abandoned infant", for purposes of IC 31-34-21-5.6, means:

(1) a child who is less than twelve (12) months of age and whose parent, guardian, or custodian has knowingly or intentionally left the child in:

(A) an environment that endangers the child's life or health; or

(B) a hospital or medical facility; and has no reasonable plan to assume the care, custody, and control of the child; or

(2) a child who is, or who appears to be, not more than ~~thirty~~ **forty-five (45)** days of age and whose parent:

(A) has knowingly or intentionally left the child with an emergency medical services provider; and

(B) did not express an intent to return for the child.

(b) "Abandoned infant", for purposes of IC 31-34-21-4 and IC 31-35-2-6.5, means a child who is, or who appears to be, not more than **forty-five (45)** days of age and whose parent:

(1) has knowingly or intentionally left the child with an emergency medical services provider; and

(2) did not express an intent to return for the child."

Page 1, line 13, delete "has the right to remain anonymous" and insert **"is not obligated to disclose the parent's name"**.

Page 2, delete lines 11 through 25, begin a new paragraph and insert:

"SECTION 4. IC 31-34-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. (a) **This section applies to a child taken into custody under IC 31-34-2.5.**

(b) **The juvenile court shall hold a detention hearing after an emergency medical services provider takes custody of a child under IC 31-34-2.5. The court shall hold the detention hearing not later than forty-eight (48) hours after the emergency medical services provider takes the child into custody, excluding Saturdays, Sundays, and legal holidays.**

(c) **The county office of family and children may notify the emergency medical services provider that has taken emergency custody of a child under IC 31-34-2.5 of the detention hearing. The emergency medical services provider may be heard at the detention**

### hearing.

SECTION 5. IC 31-34-10-2, AS AMENDED BY P.L.133-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition.

(b) ~~Subject to section 2.5 of this chapter,~~ The juvenile court shall set a time for the initial hearing. A summons shall be issued for the following:

(1) The child.

(2) The child's parent, guardian, custodian, or guardian ad litem.

(3) Any other person necessary for the proceedings.

(c) A copy of the petition must accompany each summons. The clerk shall issue the summons under Rule 4 of the Indiana Rules of Trial Procedure."

Page 3, delete lines 41 through 42, begin a new paragraph and insert:

**"(f) If the parent of an abandoned child does not disclose the parent's name as allowed by IC 31-34-2.5-1(c), the parent is not required to be notified of a proceeding described in subsection (a)."**

Page 4, delete line 1.

Page 4, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 6. IC 31-34-21-5.6, AS AMENDED BY P.L.133-2000, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.6. (a) A court may make a finding described in this section at any phase of a child in need of services proceeding.

(b) Reasonable efforts to reunify a child with the child's parent, guardian, or custodian or preserve a child's family as described in section 5.5 of this chapter are not required if the court finds any of the following:

(1) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) an offense described in IC 31-35-3-4(1)(B) or IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a victim who is:

(i) a child described in IC 31-35-3-4(2); or

(ii) a parent of the child; or

(B) a comparable offense as described in clause (A) in any other state, territory, or country by a court of competent jurisdiction.

(2) A parent, guardian, or custodian of a child who is a child in need of services:

(A) has been convicted of:

(i) the murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3) of a victim who is a child described in IC 31-35-3-4(2)(B) or a parent of the child; or

(ii) a comparable offense described in item (i) in any other state, territory, or country; or

(B) has been convicted of:

(i) aiding, inducing, or causing another person;

(ii) attempting; or

(iii) conspiring with another person;

to commit an offense described in clause (A).

(3) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) battery (IC 35-42-2-1 (a)(4)) as a Class B felony;

(B) battery (IC 35-42-2-1(a)(3)) as a Class C felony;

(C) aggravated battery (IC 35-42-2-1.5);

(D) criminal recklessness (IC 35-42-2-2(c)) as a Class C felony;

(E) neglect of a dependent (IC 35-46-1-4) as a Class B felony; or

(F) a comparable offense described in clauses (A) through (E) in another state, territory, or country;

against a child described in IC 31-35-3-4(2)(B).

(4) The parental rights of a parent with respect to a biological or adoptive sibling of a child who is a child in need of services have been involuntarily terminated by a court under:

(A) IC 31-35-2 (involuntary termination involving a delinquent child or a child in need of services);

(B) IC 31-35-3 (involuntary termination involving an individual convicted of a criminal offense); or

(C) any comparable law described in clause (A) or (B) in any other state, territory, or country.

- (5) The child is an abandoned infant, provided that the court:  
 (A) has appointed a guardian ad litem or court appointed special advocate for the child; and  
 (B) after receiving a written report and recommendation from the guardian ad litem or court appointed special advocate, and after a hearing, finds that reasonable efforts to locate the child's parents or reunify the child's family would not be in the best interests of the child. ~~However, there is a rebuttable presumption that it is not in the best interests of the child to locate the child's parent or reunify the child's family if the child was left with an emergency medical services provider who took custody of the child under IC 31-34-2.5.~~

Page 5, delete lines 27 through 29, begin a new paragraph and insert:

**"(h) If the parent of an abandoned child does not disclose the parent's name as allowed by IC 31-34-2.5-1(c), the parent is not required to be notified of a hearing described in subsection (c)."**

Page 5, after line 29, begin a new paragraph and insert:

**"SECTION 8. IC 31-34-10-2.5 IS REPEALED [EFFECTIVE JULY 1, 2001]."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1829 as printed February 21, 2001.)

AGUILERA

Motion prevailed. The bill was ordered engrossed.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1207, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1299, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 1, delete "that is provided to the law enforcement" and insert **"rules recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms."**

Page 3, line 2, delete "agency by the superintendent."

Page 3, line 4, after "(d)." insert **"A gun permit may not be denied because the information concerning handgun safety rules required under this section is unavailable at the time the person submits an application for a handgun license."**

(Reference is to HB 1299 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

LYTLE, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1448, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 3.

SUMMERS, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1461, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "(a) As used in this section, "all services contract"" and insert **"An insurer may not require a provider, as a condition of entering into an agreement with the insurer under section 3 of this chapter to provide health care services to individuals who are covered under a policy of accident and sickness insurance (as defined in IC 27-8-5-1), to provide health care services to enrollees (as defined in 27-13-1-12) of a health maintenance organization."**

Page 1, delete lines 4 through 17.

Page 2, delete lines 1 through 8.

Page 2, line 9, delete "3." and insert "2."

Page 2, line 9, delete "and" and insert ",".

Page 2, line 10, delete "IC 27-13-36-12, both".

Page 2, line 10, delete "apply" and insert "applies".

Page 2, line 10, delete "contracts" and insert **"agreements"**.

(Reference is to HB 1461 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

C. BROWN, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1543, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, delete "all perishable fruits and vegetables" and insert **"livestock or grain produced primarily for sale, consumption, propagation, or other use by human beings or animals,"**

Page 4, line 3, before "hearing" insert **"public"**.

Page 6, line 1, before "hearing" insert **"public"**.

Page 15, line 12, before "hearing" insert **"public"**.

(Reference is to HB 1543 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

LYTLE, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1650, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 1.

STURTZ, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1813, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 43, between lines 17 and 18, begin a new paragraph and insert:

**"SECTION 56. IC 12-21-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) In addition to the general authority granted to the director under IC 12-8-8, the director shall do the following:**

**(1) Organize the division, create the appropriate personnel positions, and employ personnel necessary to discharge the statutory duties and powers of the division or a bureau of the division.**

- (2) Subject to the approval of the state personnel department, establish personnel qualifications for all deputy directors, assistant directors, bureau heads, and superintendents.
- (3) Subject to the approval of the budget director and the governor, establish the compensation of all deputy directors, assistant directors, bureau heads, and superintendents.
- (4) Study the entire problem of mental health, mental illness, and addictions existing in Indiana.
- (5) Adopt rules under IC 4-22-2 for the following:
- (A) Standards for the operation of private institutions that are licensed under IC 12-25 for the diagnosis, treatment, and care of individuals with psychiatric disorders, addictions, or other abnormal mental conditions.
  - (B) Licensing supervised group living facilities described in IC 12-22-2-3 for individuals who are mentally ill.
  - (C) Certifying community residential programs described in IC 12-22-2-3 for individuals who are mentally ill.
  - (D) Certifying community mental health centers to operate in Indiana.
- (6) Institute programs, in conjunction with an accredited college or university and with the approval, if required by law, of the commission for higher education under IC 20-12-0.5, for the instruction of students of mental health and other related occupations. The programs may be designed to meet requirements for undergraduate and postgraduate degrees and to provide continuing education and research.
- (7) Develop programs to educate the public in regard to the prevention, diagnosis, treatment, and care of all abnormal mental conditions.
- (8) Make the facilities of the Larue D. Carter Memorial Hospital available for the instruction of medical students, student nurses, interns, and resident physicians under the supervision of the faculty of the Indiana University School of Medicine for use by the school in connection with research and instruction in psychiatric disorders.
- (9) Institute a stipend program designed to improve the quality and quantity of staff that state institutions employ.
- (10) Establish, supervise, and conduct community programs, either directly or by contract, for the diagnosis, treatment, and prevention of psychiatric disorders.
- (11) Adopt rules under IC 4-22-2 concerning the records and data to be kept concerning individuals admitted to state institutions, community mental health centers, or managed care providers.
- (12) Establish, maintain, and reallocate before July 1, 1996, one-third (1/3), and before January 1, 1998, the remaining two-thirds (2/3) of the following:
- (A) long term care service settings; and
  - (B) state operated long term care inpatient beds;
- designed to provide services for patients with long term psychiatric disorders as determined by the quadrennial actuarial study under IC 12-21-5-1.5(9). A proportional number of long term care service settings and inpatient beds must be located in an area that includes a consolidated city and its adjacent counties.
- (13) Compile information and statistics concerning the ethnicity and gender of a program or service recipient.
- (14) Establish standards for each element of the continuum of care for community mental health centers and managed care providers.**
- (b) As used in this section, "long term care service setting" means the following:
- (1) The anticipated duration of the patient's mental health setting is more than twelve (12) months.
  - (2) Twenty-four (24) hour supervision of the patient is available.
  - (3) A patient in the long term care service setting receives:
    - (A) active treatment if appropriate for a patient with a chronic and persistent mental disorder or chronic addictive disorder;
    - (B) case management services from a state approved provider; and
    - (C) maintenance of care under the direction of a physician.

(4) Crisis care is available.

(c) Funding for services under subsection (a)(12) shall be provided by the division through the reallocation of existing appropriations. The need of the patients is a priority for services. The division shall adopt rules to implement subsection (a)(12) before July 1, 1995."

Page 80, after line 10, begin a new paragraph and insert:

**"SECTION 114. [EFFECTIVE UPON PASSAGE](a) This SECTION does not affect the distribution of county funds to a managed care provider or community mental health center located in a county having a population of more than seven hundred thousand (700,000).**

**(b) The division of mental health may not enter into a contract:**

**(1) before July 1, 2003; and**

**(2) for the provision of services;**

**with a new managed care provider or community mental health center that is not providing service as of the effective date of this SECTION.**

**(c) The division of mental health shall adopt standards required under IC 12-21-2-3(14), as amended by this act, before July 1, 2003.**

**(d) Notwithstanding subsection (b), before July 1, 2001, the division of mental health may enter into a contract for the provision of managed care or other services with a community mental health center that was certified by the division of mental health after December 31 1999, but before July 1, 2001.**

**(e) This SECTION expires July 1, 2003.**

**SECTION 115. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1813 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1975, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 11 through 16.

Page 1, line 17, delete "6" and insert "3".

Page 2, line 1, after "processor" insert ", except the department of correction,".

Page 2, delete lines 4 through 14.

Page 2, line 15, delete "10" and insert "4".

Page 2, line 17, after "processor" insert ", except the department of correction,".

Page 2, line 21, delete "11" and insert "5".

Page 2, line 23, delete ":".

Page 2, line 24, delete "(A)".

Page 2, line 24, delete "; or" and insert ".".

Page 2, run in lines 23 through 24.

Page 2, delete lines 25 through 30.

Page 2, between lines 39 and 40, begin a new line block indented and insert:

**"(5) Include the following terms of payment:**

**(A) The basis of payment.**

**(B) The payment method.**

**(C) The payment schedule.**

**(D) The effect of change in market price on contract price, if any.**

**(E) The penalty for late payment.**

**(F) The assignability of payments.**

**(G) The decision whether payment may be made copayable to the producer's lender.**

**(H) The responsibility for payment of the paying party's parent company, if the paying party is a subsidiary company."**

Page 2, delete lines 40 through 42.

Delete pages 3 through 7.

(Reference is to HB 1975 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

LYTLE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1979, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL TO AMEND the Indiana Code concerning merchant power plants.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-8.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

#### Chapter 8.3. Utility Worker Skills and Standards Committee

Sec. 1. As used in this chapter, "committee" refers to the utility worker skills and standards committee established by section 3 of this chapter.

Sec. 2. As used in this chapter, "utility" means a plant or equipment within Indiana that is used for the production, transmission, delivery, or furnishing of electricity, either directly or indirectly, to the public.

Sec. 3. There is established the utility worker skills and standards committee consisting of the following eleven (11) members:

(1) The utility consumer counselor, who is an ex officio member of the committee. Except as provided in section 5 of this chapter, the utility consumer counselor is a nonvoting member of the committee. The utility consumer counselor shall serve as chair of the committee.

(2) Five (5) members appointed by the governor, with one (1) member representing each of the following:

(A) A public utility (as defined in IC 8-1-2-1) that produces, transmits, delivers, or furnishes electricity, either directly or indirectly, to the public.

(B) A rural electric membership corporation (as defined in IC 8-1-13).

(C) A municipally owned utility (as defined in IC 8-1-2-1) that produces, transmits, delivers, or furnishes electricity, either directly or indirectly, to the public.

(D) A public utility described in clause (A) that has withdrawn from the commission's jurisdiction under any provision of Indiana law, or over which the commission has declined to exercise jurisdiction under any provision of Indiana law.

(E) A nonutility owned electric generation and transmission company.

(3) Five (5) members appointed by the governor, with one (1) member representing each of the following employee organizations:

(A) The Indiana State AFL-CIO.

(B) The Indiana State Building Trades Council.

(C) The International Brotherhood of Electrical Workers.

(D) The American Federation of State, County, and Municipal Employees.

(E) The United Steelworkers of America.

Sec. 4. (a) A member appointed under section 3(2) or 3(3) of this chapter serves for a term of four (4) years, except when a member is appointed to fill a vacancy, in which case the appointment is for the unexpired term only. A member appointed under section 3(2) or 3(3) of this chapter serves until the member's successor is duly appointed and qualified. However, a member appointed under section 3(2) or 3(3) of this chapter may be reappointed to successive terms. The utility consumer counselor serves on the committee for the duration of the counselor's appointment under IC 8-1-1.1-3.

(b) A member appointed under section 3(2) or 3(3) of this chapter may be removed at any time by the governor for cause.

(c) Six (6) members of the committee constitute a quorum.

(d) The chair shall call the number of meetings necessary for the committee to adopt the initial rules required under section 5 of this chapter. After the committee adopts the initial rules required under section 5 of this chapter, the committee shall meet at least one (1) time each calendar year to review the effectiveness of the rules and consider whether any additions or amendments to the rules are needed. Upon the call of the chair or a simple majority of the members of the committee, the committee shall hold any additional meetings necessary to amend the rules.

Sec. 5. The committee shall adopt rules under IC 4-22-2 to establish skill and training standards for employees who operate or maintain utilities. The rules adopted must specify training standards and qualifications for utility employees who operate, maintain, service, and repair any or all parts of electric generation and transmission facilities, materials, or equipment. All standards and qualifications must be approved by a vote of a simple majority of the voting members of the committee. Any proposed standards or qualifications not agreed to by a simple majority of the voting members of the committee must be submitted to the utility consumer counselor, who, as chair of the committee, shall make a final determination concerning the proposed standards or qualifications. The chair shall either approve or deny the proposed standards or qualifications based on:

(1) information submitted by committee members appointed under section 3(2) of this chapter; or

(2) information submitted by committee members appointed under section 3(3) of this chapter;

or on information submitted by a combination of committee members appointed under section 3(2) and 3(3) of this chapter. However, the chair may not create any new standards or qualifications or approve any standards or qualifications that were not proposed by members appointed under section 3(2) or 3(3) of this chapter.

SECTION 2. IC 8-1-8.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

#### Chapter 8.4. Merchant Power Plants

Sec. 1. (a) "Merchant power plant" means a facility within Indiana used for the:

(1) production, transmission, delivery, or furnishing of heat, light, or power; and

(2) sale of electric energy exclusively on the wholesale market; to other public utilities, energy service providers, or power marketers within or outside Indiana.

(b) The term includes a facility that has made a significant alteration to the labor used to construct or remodel the facility. For purposes of this subsection, a facility makes a significant alteration in the labor used to construct or remodel a facility if the person uses contractors, subcontractors, or work crews that include workers who are not participants in or have not completed a jointly administered labor and management apprenticeship program approved by the United States Department of Labor's Bureau of Apprenticeship Training.

(c) The term does not include a facility that is owned, controlled, or operated by a person that is obligated contractually to provide substantially all of the wholesale power requirements of an electricity supplier under a contract extending at least five (5) years.

Sec. 2. (a) A merchant power plant is subject to the jurisdiction of the commission.

(b) This subsection does not apply to a merchant power plant described in subsection (1)(b). The commission may decline to exercise in whole or in part its jurisdiction over a merchant power plant described in subsection (1)(a) of this chapter that has filed an application with the commission before March 1, 2001.

Sec. 3. The commission shall consider the following when acting upon any petition by a merchant power plant under IC 8-1-8.5 or IC 8-1-2.5:

(1) Location.

(2) Need.

- (3) Financing.
- (4) Reporting requirements.
- (5) Impact on electric suppliers and customers.

**Sec. 4. When considering whether to approve a merchant power plant, the commission shall give preference to the following locations for siting:**

- (1) Brownfield sites that are isolated from populated areas.
- (2) Sites of existing or former utilities that can be replaced or repowered.
- (3) Other sites identified for power plant or heavy industrial development in local land use plans before the initiation of site selection for the facility.

**Sec. 5. Following the approval of a petition by the commission, the merchant power plant shall:**

- (1) notify the commission upon becoming an affiliate of any regulated Indiana utility selling electricity at retail to Indiana consumers, at which time the commission may reassert any jurisdiction it had declined under IC 8-1-2.5;
- (2) obtain prior commission approval with respect to the sale of any electricity to any affiliated regulated Indiana retail utility, or any affiliate of a regulated Indiana retail utility; and
- (3) obtain prior commission approval of any transfers of ownership of the facility or its assets.

**SECTION 3. [EFFECTIVE JULY 1, 2001] (a) As used in this SECTION, "committee" refers to the utility worker skills and standards committee established by IC 8-1-8.3-3, as added by this act.**

**(b) Notwithstanding IC 8-1-8.3-4(a), as added by this act, before September 1, 2001, the governor shall make the initial appointments to the committee as follows:**

- (1) The members appointed under IC 8-1-8.3-3(2)(A), IC 8-1-8.3-3(2)(B), IC 8-1-8.3-3(2)(C), IC 8-1-8.3-3(3)(A), IC 8-1-8.3-3(3)(B), and IC 8-1-8.3-3(3)(C), all as added by this act, for a term of four (4) years.
- (2) The members appointed under IC 8-1-8.3-3(2)(D), IC 8-1-8.3-3(2)(E), IC 8-1-8.3-3(3)(D), and IC 8-1-8.3-3(3)(E), all as added by this act, for a term of three (3) years.

**(c) The committee shall adopt the initial rules required by IC 8-1-8.3-5, as added by this act, not later than January 1, 2003.**

**(d) This SECTION expires July 1, 2003.**

**SECTION 4. An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to HB 1979 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

FRY, Chair

Report adopted.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 1:10 p.m. with the Speaker in the Chair.

Representative Burton was excused.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 38

Representative Crawford introduced House Concurrent Resolution 38:

A CONCURRENT RESOLUTION. As we celebrate Black History Month and all of those who have served as pioneers for the future of African American, it is with pleasure that we recognize Mr. Frank Anderson, Mr. S. Henry Bundles and Mr. Sam Jones, as Indiana African American achievers.

Whereas, Frank Anderson enlisted in the U.S. Navy after high school. He served as a Mine Sweep Electrician and had his first experience in law enforcement as a Navy Shore Patrol Officer. Following an honorable discharge from the Navy, he became a

Deputy Sheriff with the Marion County Sheriff's Department;

Whereas, While a member of the Sheriff's Department, he worked all phases of law enforcement. Mr. Anderson became the first black officer to patrol a district in the history of the Marion County Sheriff's Department;

Whereas, In 1965, Mr. Anderson became a Deputy United States Marshal and worked numerous sensitive details throughout the United States and U.S. Territories;

Whereas, While employed by the United States Marshals Service from 1965 to 1981, Mr. Anderson was promoted to the positions of Security Specialist and Inspector. He was a Squad Leader in the U.S. Marshals Service Special Operations Group. He was one of the original founders of the "Federal Witness Protection Program" and supervised most of the highly sensitive organized crime cases having protected witnesses. On occasion he directed the Witness Protection Program for the nation;

Whereas, In 1977, Frank Anderson was nominated by U.S. Senator Birch Bayh as U.S. Marshal for the Southern District of Indiana under President Carter's Administration and was subsequently confirmed by the U.S. Senate. He served in this capacity through the Carter Administration;

Whereas, In 1983, he was selected for the position of District Director for the Indianapolis District Office of the General Services Administration's Federal Protective Service;

Whereas, In 1994, Mr. Anderson was nominated for a second time as U.S. Marshal for the Southern District of Indiana. This nomination by President Clinton was confirmed by the U.S. Senate and Mr. Anderson continues to hold the position of U.S. Marshal;

Whereas, S. Henry Bundles, was President of the Center For Leadership Development, for twenty-three years, a program designed to foster the advancement of minority youth in Central Indiana as future professional, business, and community leaders by providing them experiences that encourage educational attainment and personal growth;

Whereas, A group of young adults in various professions and careers were organized by Mr. Bundles as an advisory council for activities of the CLD Youth Development Program. Many of these young adults are the emerging leaders in the community, and as such act as role models for the students;

Whereas, Mr. Bundles is a private management and motivational training consultant to businesses and organizations;

Whereas, As Executive Vice-President and Secretary of Suzanne International, which he and Henry Childrey started in 1973, Mr. Bundles was responsible for the administrative functions of the business which was involved in general merchandising and nationwide marketing of an extensive line of import items;

Whereas, Mr. Bundles is a graduate of Indiana University and served two years as faculty associate, Graduate School of Business at the Bloomington campus. He is a member of several business and civic organizations and is active in community affairs. Noteworthy is the fact he was Chairman and First President of the Indianapolis Business Development Foundation which is designed to improve, strengthen and develop minority business enterprise;

Whereas, His recent tenure as a member of the Capitol Improvement Board of Managers, which supervises activities of the Convention Center/RCA Dome and Market Square Arena, attests to a long investment in civic and community activities;

Whereas, Sam Jones was born and reared in Heidelberg, Mississippi. Mr. Jones received his BA at Clark College, Atlanta, Georgia, in 1950. His post graduate work includes a MA in Sociology in 1954 and a MSW in Social Work in 1956, both from Atlanta University;

Whereas, Mr. Jones, a 44 year veteran of the Urban League Movement, began his career in 1956. He served as the Executive Director of the Pontiac, Michigan Urban League from 1961-1963, and as the Executive Director of the St. Paul, Minnesota Urban League from 1963-1966 before assuming the position of Executive

*Director/President of the Indianapolis Urban League in 1966. Mr. Jones has served as the only Director/President of the Indianapolis affiliate;*

*Whereas, Numerous awards have been bestowed on Mr. Jones, including Honorary Doctorate of Public Service, Law, and Humane Letter, Boy Scouts of America;*

*Whereas, Sam Jones knows "no strangers" and serves on a myriad of professional, social, civic, educational, private sector, public sector, and religious organization boards and committees: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. We recognize these three outstanding Hoosier Citizens for their commitment to the principles of Democracy as articulated by the framers of the United States Declaration of Independence. We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and Pursuit of Happiness.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Mr. Frank Anderson, Jr. S, Henry Bundles and Mr. Sam Jones.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Howard and Breaux.

### **House Concurrent Resolution 39**

Representatives V. Smith, C. Brown, Crawford, Dickinson, Harris, Porter, and Summers introduced House Concurrent Resolution 39:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to investigate the department of correction.

*Whereas, The mission of the department of correction is to protect the public by incarcerating offenders and complying with established mandates in preparing them for reentry into the community; and*

*Whereas, It is vital that the department of correction carries out its mission to the best of its ability and protects the rights of the prisoners: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the legislative council is urged to establish an interim study committee to investigate the department of corrections.

SECTION 2. That the committee, if established, shall, under IC 2-4-1-1, have the power to subpoena witnesses, and send for and compel the production of books, records, papers and documents.

SECTION 3. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

### **House Concurrent Resolution 40**

Representatives Ayres, Cheney, and C. Brown introduced House Concurrent Resolution 40:

A CONCURRENT RESOLUTION honoring the Chesterton High School Debate Team for winning their fourth title in a row at the State Debate Championship and their twelfth championship in the eighteen years that the competition has taken place.

*Whereas, Chesterton High School competed in the State Debate Championship with 38 other schools;*

*Whereas, In the Congressional Legislative Debate with 94 debaters competing, John Jernigan won the state championship for the second year in a row; Owen Sutkowski was second; Amber Zehner was seventh; JohnPaul Benitez was eighth and Meredith Chase was chosen Speaker of the House for the Semifinals;*

*Whereas, In Policy Team Debate with 44 teams competing, Lindsay Jancek and Jeff Imhof made it to quarterfinals; Maggie Hurley, Tamara Carnahan, Alex Bishop and Steve Hodge made it to octafinals; Stephanie Kendall and David Odefey also ably competed;*

*Whereas, In Lincoln-Douglas Debate, Eric Galamback, Sherry Nelson, Rizwan Ahmed and Francesca Smith competed against 64 debaters; and*

*Whereas, The team coaches are James Cavallo, Kirsten Turnak, Molly Deuberry and assistant, Carol Biel; Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly honors the Chesterton High School Debate Team on winning their fourth title in a row at the State Debate Championship and their twelfth title in the eighteen years that the competition has taken place.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each coach and member of the Chesterton High School Debate Team, to the Principal of Chesterton High School, and to the Superintendent of the Duneland School Corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Alexa and Antich.

### **House Concurrent Resolution 41**

Representatives Burton, Foley, and Frizzell introduced House Concurrent Resolution 41:

A CONCURRENT RESOLUTION honoring Custer Baker Middle School on its selection as the Outstanding School in Indiana in the middle school category.

*Whereas, Custer Baker Middle School, Franklin, Indiana, was recently selected as the Outstanding School in Indiana in the middle school category;*

*Whereas, Custer Baker Middle School serves the needs of sixth, seventh, and eighth grade students in the Franklin Community School Corporation;*

*Whereas, Currently the enrollment at the middle school is approximately 825 students;*

*Whereas, The educational mission of Custer Baker Middle School is to instill in its students academic, life, and decision making skills, a positive self-image, and a commitment to life-long learning and responsible citizenship;*

*Whereas, The faculty at Custer Baker Middle School has been very successful in carrying out its mission demonstration by the accomplishments of the school during the 2000 school year;*

*Whereas, In addition to the school's selection as the outstanding middle school, science teacher Don Wertz was selected as District 9 Hunter Educator of the Year, social studies teacher Mike Cree was awarded the Arvin Teacher of the Year award, and last November Principal Pam Millikan was selected Indiana Principal of the Year;*

*Whereas, Principal Pam Millikan points to these accomplishments as an example to her students that "learning and achieving never stops"; and*

*Whereas, Outstanding educational accomplishments deserve special recognition: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*



SECTION 1. That the Indiana General Assembly wishes to congratulate Custer Baker Middle School on its selection as the Outstanding School in Indiana in the middle school category.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Principal of Custer Baker Middle School and Professor Chuck Ramer.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Garton, Miller, and Borst.

### House Concurrent Resolution 42

Representatives Buell, Mahern, and Bischoff introduced House Concurrent Resolution 42:

A CONCURRENT RESOLUTION honoring the Indianapolis Indians for winning the Triple-A World Series.

*Whereas, On September 21, 2000, the Indianapolis Indians won the Triple-A World Series with a 9-2 win in Game 4 over Memphis at Cashman Field in Las Vegas, Nevada;*

*Whereas, Tribe President and Chairman of the Board, Max Schumacher is a native of Indianapolis, has been a member of the Indianapolis Indians since 1957, has led the Indians to League Championships in 1982, 1986, 1987, 1988, 1989, 1994 and 2000, and was instrumental in the building of Victory Field;*

*Whereas, Shortstop Santiago Perez was named the Most Valuable Player of the series;*

*Whereas, Perez went 6 for 13 in the series with four runs, three RBI, one double, and two home runs;*

*Whereas, For the second year in a row, Baseball America has bestowed a prestigious honor on the Indianapolis Indians, naming the Club the "Team of the Decade" for Triple-A baseball in the 1990s;*

*Whereas, The "Team of the Decade" honor recognizes long term success by a minor league franchise;*

*Whereas, The Indians' general manager, Cal Burleson, was named the International League Executive of the Year at the winter meetings held in Dallas, Texas;*

*Whereas, Burleson, in his third season as the Indians' general manager, was honored by the International League's top executives for his accomplishments during the 2000 season. Burleson's accomplishments included leading the Indians to a franchise record attendance of 672,135 while the team captured the International League and Triple-A World Series Championships;*

*Whereas, The Indians delivered success to the city of Indianapolis with a .537 winning percentage (773-665), four playoff appearances (1994-1997), and an American Association Championship (1994) in the 1990s;*

*Whereas, Indianapolis was awarded an additional honor when Victory Field was named as the site for the 2001 Triple-A All-Star Game;*

*Whereas, The game will take place July 11, 2001, which is the five year anniversary of the first game at Victory Field; and*

*Whereas, The Indianapolis Indians have given the citizens of the state of Indiana many hours of pleasure and instilled in us a great sense of pride in their accomplishments: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to congratulate the Indianapolis Indians for winning the Triple-A World Series and to wish them continued success in the years to come.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Tribe President and Chairman of the Board, Max Schumacher, to General Manager, Cal Burleson and to the Indianapolis Indians team as a whole.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Clark.

### House Concurrent Resolution 43

Representative Mannweiler introduced House Concurrent Resolution 43:

A CONCURRENT RESOLUTION recognizing the value of the Child Citizenship Act.

*Whereas, More than 15,000 foreign-born children are adopted by U.S. families every year;*

*Whereas, The Child Citizenship Act of 2000 will make that process easier;*

*Whereas, The Child Citizenship Act of 2000 (H.R. 2883) was signed into law by President Clinton on October 30, 2000, effective February 27, 2001;*

*Whereas, The Child Citizenship Act of 2000 amends the Immigration and Nationality Act (INA) to permit foreign-born children, including adopted children, to acquire citizenship automatically if they meet certain requirements;*

*Whereas, Acquiring citizenship automatically means that citizenship will be given to these children without the need for applying for citizenship;*

*Whereas, Legislation such as this is an exciting indication of the legal foundation that is being established under current law in the United States and that will encourage international adoption; and*

*Whereas, This legislation will provide vital support for families who open their hearts and their homes to foreign-born children by removing an unnecessary impediment to acquiring citizenship for these children: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to recognize the importance of the Child Citizenship Act of 2000 (H.R. 2883) in the lives of our citizens who adopt foreign-born children.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Helene Achgill.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Lubbers and Clark.

### House Resolution 22

Representative Turner introduced House Resolution 22:

A HOUSE RESOLUTION honoring the Kamchatka Vocal Ensemble for their brilliant and impressive success in Russia and around the world.

*Whereas, The Kamchatka Vocal Ensemble was founded in 1967;*

*Whereas, The members of this group are amateurs of varying ages and profession, coming together to perform a widely diverse repertoire, including old gospel and modern Russian music as well as works from international composers;*

*Whereas, This amateur group's most significant achievements to date are its performances of Sergei Rachmaninoff's masterpieces of Russian national music culture, the sacred works St. John Chrysostom Liturgy and Night Service, and the choral concert The Virgin Mary's Vigil;*

*Whereas, The accumulation of such a widely diverse repertoire has led to a significant widening of the ensemble's tour circuit; since 1977 international tours have taken them to Talin, Estonia; Kishinev, Moldavia; Varna, Bulgaria; Riga, Latvia; Sapporo, Japan; Quanjou, China, and Anchorage, Alaska; they have also traveled extensively throughout the former Soviet Union;*

*Whereas, The Kamchatka Vocal Ensemble has been recognized as one of Russia's best choirs for the past several years;*

*Whereas, The Kamchatka Vocal Ensemble has consistently won awards and prizes at Russian festivals and competitions for the past twenty years and is now becoming well-known internationally, primarily because of its dedication to choral music and a fearlessness to tackle difficult repertoire with a professionalism that belies its amateur status; and*

*Whereas, The ensemble's brilliant and impressive success is the fruit of a quarter-century's work by its founder and permanent artistic director, Evgeny Morozov: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the House of Representatives of the Indiana General Assembly congratulates the Kamchatka Vocal Ensemble for their brilliant and impressive success in Russia and around the world.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to the conductor of the Kamchatka Vocal Ensemble, Evgeny Morozov, and to the President of Taylor University.

The resolution was read a first time and adopted by voice vote.

## House Resolution 24

Representative V. Smith introduced House Resolution 24:

A RESOLUTION congratulating the teachers and students of Benjamin Banneker Elementary School, Gary, Indiana, on the school's selection as a Four Star School Award winner.

*Whereas, The Four Star School Award is presented by Dr. Suellen Reed, state superintendent of public instruction, to recognize top performing Indiana schools;*

*Whereas, Schools receiving the award must meet all levels of expected performance under the state's performance-based accreditation system and rank in the top 25 percent among Indiana schools in each of four areas: total performance on ISTEP+ (Indiana Statewide Testing for Education Progress), language arts scores on ISTEP+, mathematics scores on ISTEP+, and attendance rates;*

*Whereas, Benjamin Banneker Elementary School, Gary, Indiana, fulfilled these requirements for the 11th time;*

*Whereas, The students and teachers of Benjamin Banneker Elementary School received this honor every year because of their hard work, dedication to improvement, and a strong desire to learn;*

*Whereas, Students have credited the success of their school to the efforts of the principal, teachers, staff, students, and parents working together in a unified effort to maintain the high level of competency at their school;*

*Whereas, Principal Sarah Givens credits the success of Benjamin Banneker Elementary School to an open line of communication that exists between teachers, students, and parents; and*

*Whereas, Schools such as Benjamin Banneker Elementary School make a strong statement about the quality of the teachers and the high scholastic standards that exist in Hoosier schools: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to congratulate the students and teachers of Benjamin Banneker Elementary School on the school's 11th Four Star School Award and for the effort put forth by the students, teachers, and parents in obtaining this award, and to urge them to continue to strive for excellence in education throughout their lives.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Sarah Givens, principal of Benjamin Banneker Elementary School.

The resolution was read a first time and adopted by voice vote.

## House Resolution 25

Representative Denbo introduced House Resolution 25:

A RESOLUTION recognizing the contributions made by the Indiana Railway Museum toward maintaining the history of our Hoosier railways and promoting tourism in Southern Indiana.

*Whereas, The Indiana Railway Museum is a nonprofit organization founded in 1961 for the purpose of acquiring, restoring, displaying, and operating historic railway equipment;*

*Whereas, Several diesel and steam locomotives, a rare railway post office car, and a 1951 dining car are included in the Indiana Railway Museum's display of railroad equipment;*

*Whereas, The Indiana Railway Museum has a membership of over 300 with volunteers who serve as train and station crews;*

*Whereas, Since the Indiana Railway Museum opened in French Lick in 1977, the museum has taken over 560,000 passengers on its historic railway tours;*

*Whereas, The Indiana Railway Museum depot in French Lick, from where all the passenger trains depart, is the original limestone Monon railroad station;*

*Whereas, The Indiana Railway Museum's 1 3/4 hour train trip meanders through 20 miles of the Hoosier National Forest, limestone rock-cuts, and the 2,200-foot Burton Tunnel, one of the longest railroad tunnels in the state; and*

*Whereas, The train ride provided by the Indiana Railway Museum takes our minds back to a time when travel was slower, more scenic, and often friendlier and a time best not forgotten: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to thank the members of the Indiana Railway Museum for their efforts in promoting tourism in Southern Indiana and for helping to maintain interest in our historic Hoosier railway system.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to G. Alan Barnett, president and general manager of the Indiana Railway Museum.

The resolution was read a first time and adopted by voice vote.

## House Resolution 26

Representative Oxley introduced House Resolution 26:

A RESOLUTION congratulating the Northeast Dubois High School Spell Bowl team on its ninth consecutive state championship in the Hoosier Academic Spell Bowl.

*Whereas, The Hoosier Academic Spell Bowl is a statewide competition;*

*Whereas, Ten students and three alternates make up each team in the Hoosier Academic Spell Bowl;*

*Whereas, Each team in the Hoosier Academic Spell Bowl is open to freshmen, sophomores, juniors, and seniors;*

*Whereas, Unlike spelling bees, each student team member in the Hoosier Academic Spell Bowl spells the selected words in writing on answer sheets in rounds consisting of nine words, and each team member contributes to the team score;*

*Whereas, On November 11, 2000, the Northeast Dubois High School Spell Bowl team of Mark Gadlage, John Neukam, Tina Beckman, Janelle Woolsey, Alison Betz, Kathy Frick, Brittany Voelkel, Melissa Clauson, Rachel Cartwright, and Nick Woolsey, and alternates Quintin Merkel, Kirby Frank, and Julia Nathan, successfully captured the school's 11th state title and ninth consecutive championship, something no other school in Indiana has been able to accomplish;*

*Whereas, The Northeast Dubois High School Spell Bowl team is coached by Connie Hemsel, who is in her 14th year as coach;*

*Whereas, During this time, the team qualified for the state competition for 14 consecutive years and finished in third place*

once, and second place twice in addition to the 11 state titles; and

Whereas, Academic excellence such as this deserves special recognition: Therefore,

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to congratulate the Northeast Dubois High School Spell Bowl team on its recent victory and to wish the team members continued success in future competitions.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of the Northeast Dubois High School Spell Bowl team, coach Connie Hensel, Principal Phil Chapple, and Superintendent Dan Balka.

The resolution was read a first time and adopted by voice vote.

### House Resolution 27

Representatives Mock and Mangus introduced House Resolution 27:

A HOUSE RESOLUTION honoring Troop Jimmie as a peer facilitation group that promotes good citizenship, clean living, and self esteem.

*Whereas, Dixie Wasik is the leader of Troop Jimmie.*

*Whereas, Troop Jimmie is very active and popular in Jintown;*

*Whereas, Troop Jimmie helps in guiding teens through controversial issues;*

*Whereas, Troop Jimmie makes a difference in its members on a daily basis;*

*Whereas, Ms. Wasik says many teens at Jintown Junior High School have been greatly impacted by the Troop Jimmie program; and*

*Whereas, Ms. Dixie Wasik, wishes to promote this program with other schools in the state: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the House of Representatives of the Indiana General Assembly commends Troop Jimmie as a peer facilitation group that promotes good citizenship, clean living and self esteem.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to Dixie Wasik, the leader of Troop Jimmie.

The resolution was read a first time and adopted by voice vote.

### House Resolution 28

Representative Cheney introduced House Resolution 28:

A HOUSE RESOLUTION honoring Michelle Blank on her selection as a member of the 2000 Spirit of America Marching National Honor Band.

*Whereas, Michelle Blank, a Portage High School senior, was selected as a member of the 2000 Spirit of America Marching National Honor Band;*

*Whereas, The 2000 Spirit of America Marching National Honor Band is made up of a group of select student musicians from all over the country chosen to represent the United States in Geneva, Switzerland;*

*Whereas, Selection to this band requires that the applicants fulfill strict requirements;*

*Whereas, The applicants must display maturity and outstanding academic performances, and Michelle fulfilled both requirements handily;*

*Whereas, Michelle's list of academic accomplishments include membership in the National Honor Society and a national honors diploma;*

*Whereas, Michelle Blank's honor was heightened by the fact that she was the only person selected to represent Indiana and was one of only 150 persons chosen from among 2,500 applicants;*

*Whereas, In addition to membership in this elite band, Michelle is a gifted clarinet player and a member of the school symphony band;*

*Whereas, In addition to her musical interests, Michelle was one of about 15 students that founded and operate the only student-run branch of the Regional Federal Credit Union; and*

*Whereas, Exceptional talent such as Michelle's is rare: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana General Assembly wishes to congratulate Michelle Blank on her selection to the 2000 Spirit of America Marching National Honor Band and to wish her continued success in her musical career.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Michelle Blank and her family, the principal of Portage High School, and the superintendent of the school corporation.

The resolution was read a first time and adopted by voice vote.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1007

Representative Hasler called down Engrossed House Bill 1007 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 256: yeas 93, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Landske.

### Engrossed House Bill 1043

Representative Denbo called down Engrossed House Bill 1043 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 257: yeas 83, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks and R. Young.

The Speaker Pro Tempore yielded the gavel to the Speaker.

### Engrossed House Bill 1054

Representative Stilwell called down Engrossed House Bill 1054 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 258: yeas 54, nays 42. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Clark and Alexa.

**Engrossed House Bill 1058**

Representative Weinzapfel called down Engrossed House Bill 1058 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 259: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Gard.

**Engrossed House Bill 1071**

Representative Ulmer called down Engrossed House Bill 1071 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 260: yeas 89, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kenley.

Representative Bottorff was excused for the rest of the day.

**Engrossed House Bill 1130**

Representative Kersey called down Engrossed House Bill 1130 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 261: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Riegsecker.

Representative Ulmer was excused for the rest of the day.

**Engrossed House Bill 1170**

Representative Liggett called down Engrossed House Bill 1170 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 262: yeas 56, nays 38. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Merritt.

**Engrossed House Bill 1178**

Representative Porter called down Engrossed House Bill 1178 for third reading:

A BILL FOR AN ACT concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 263: yeas 91, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill. Senate sponsor: Senator Howard.

Representative Summers was excused.

**Engrossed House Bill 1195**

Representative Kromkowski called down Engrossed House Bill 1195 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 264: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske and Sipes.

**Engrossed House Bill 1199**

Representative D. Young called down Engrossed House Bill 1199 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 265: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kenley.

The House recessed until the fall of the gavel.

**RECESS**

The House reconvened at 4:30 p.m. with the Speaker in the Chair.

Representative Burton was present.

**ENGROSSED HOUSE BILLS ON THIRD READING****Engrossed House Bill 1211**

Representative Oxley called down Engrossed House Bill 1211 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 266: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Skillman and Hume.

**Engrossed House Bill 1228**

Representative Cheney called down Engrossed House Bill 1228 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 267: yeas 59, nays 36. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zakas, Riegsecker, and Antich.

**Engrossed House Bill 1257**

Representative Foley called down Engrossed House Bill 1257 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 268: yeas 92, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller and Simpson.

**Engrossed House Bill 1342**

Representative Lytle called down Engrossed House Bill 1342 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 269: yeas 84, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Nugent, Lewis, and Jackman.

**Engrossed House Bill 1351**

Representative Denbo called down Engrossed House Bill 1351 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 270: yeas 92, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Lewis.

**Engrossed House Bill 1381**

Representative Crosby called down Engrossed House Bill 1381 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 271: yeas 90, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Johnson, Blade, C. Lawson, and Rogers.

**Engrossed House Bill 1510**

Representative Stilwell called down Engrossed House Bill 1510 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 272: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske and Sipes.

**Engrossed House Bill 1532**

Representative Dillon called down Engrossed House Bill 1532 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 273: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wheeler and Alexa.

**Engrossed House Bill 1599**

Representative Hasler called down Engrossed House Bill 1599 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 274: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard, Simpson, and Lanane.

**Engrossed House Bill 1602**

Representative Sturtz called down Engrossed House Bill 1602 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 275: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Wheeler.

**Engrossed House Bill 1767**

Representative Espich called down Engrossed House Bill 1767 for third reading:

A BILL FOR AN ACT concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 276: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and Simpson.

**Engrossed House Bill 1779**

Representative Harris called down Engrossed House Bill 1779 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 277: yeas 68, nays 28. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server, Rogers, and S. Smith.

**Engrossed House Bill 1792**

Representative Cook called down Engrossed House Bill 1792 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 278: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Riegsecker and Craycraft.

**Engrossed House Bill 1797**

Representative Bauer called down Engrossed House Bill 1797 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 279: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Borst and Lewis.

**Engrossed House Bill 1821**

Representative Tincher called down Engrossed House Bill 1821 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 280: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske and Craycraft.

**Engrossed House Bill 1830**

Representative Wolkins called down Engrossed House Bill 1830 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 281: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Riegsecker and Simpson.

**Engrossed House Bill 1846**

Representative C. Brown called down Engrossed House Bill 1846 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 282: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss, Rogers, and Landske.

Representative Summers was present. Representative Ayres was excused for the rest of the day.

**Engrossed House Bill 1857**

Representative Crawford called down Engrossed House Bill 1857 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage.

**HOUSE MOTION**  
(Amendment 1857-5)

Mr. Speaker: I move that Engrossed House Bill 1857 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.273-1999, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
- (2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- (3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
- (4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
- (5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
- (6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
- (7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
- (8) An emergency rule jointly adopted by the water pollution control board and the budget agency under IC 13-18-13-18.
- (9) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
- (10) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet an emergency.
- (11) An emergency rule adopted by the Indiana transportation finance authority under IC 8-21-12.
- (12) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.
- (13) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
- (14) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by federal law, provided:
  - (A) the variance procedures are included in the rules; and
  - (B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
- (15) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
- (16) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
- (17) An emergency rule adopted by the Indiana gaming commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.
- (18) An emergency rule adopted by the alcoholic beverage commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(19) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(20) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(21) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.

**(22) An emergency rule adopted by the office of the secretary of family and social services to implement a Medicaid waiver for adult foster care, assisted living, or adult day care services.**

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the secretary of state for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the secretary of state shall:

(1) accept the rule for filing; and

(2) file stamp and indicate the date and time that the rule is accepted on every duplicate original copy submitted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, and IC 22-8-1.1-16.1, a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(14), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. A rule adopted under subsection (a)(14) may be extended for two (2) extension periods. Except for a rule adopted under subsection (a)(14), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(9), or (a)(13) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

⊕ (i) This section may not be used to readopt a rule under IC 4-22-2.5."

Page 7, delete lines 30 through 31.

Page 9, delete lines 27 through 28.

Page 10, delete lines 22 through 23.

Page 13, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 20. P.L.100-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 1. (a) The office of the secretary of family and social services shall develop and submit to the federal Health Care Financing Administration proposals

to do the following:

(1) Fund adult foster care and assisted living services through the Medicaid waiver program.

(2) Expand adult day care services available through the aged and disabled Medicaid waiver.

(b) The proposals under subsection (a) must be reviewed by the community and home options to institutional care for the elderly and disabled (CHOICE) board established under IC 12-10-11 before the proposals are submitted to the federal Health Care Financing Administration regarding the following:

(1) The definitions of adult foster care and assisted living.

(2) The number of individuals to be served by each waiver.

(3) The schedule of services to be delivered to individuals served by each waiver.

(4) Consumer eligibility standards established for each waiver.

(5) The means for expanding adult day care services.

(6) The number of individuals to be served by expanded adult day care services.

(7) Administrative oversight standards for each waiver described in this SECTION.

(c) The office of the secretary of family and social services must receive input from affected providers and consumers when drafting the language of applications for Medicaid waivers described in this SECTION.

(d) The office of the secretary of family and social services may submit the proposals described in this SECTION to the federal Health Care Financing Administration as amendments to existing waivers.

(e) The proposals described in this SECTION must be submitted to the federal Health Care Financing Administration before October 1, 2000.

(f) The office of the secretary of family and social services shall report to the legislative council, the governor, and the CHOICE board before January 1, 2001, regarding implementation of the provisions of this SECTION.

**(g) The office of the secretary of family and social services may not implement a waiver until the office files an affidavit with the governor attesting that the federal waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the waiver is approved.**

**(h) If the office of the secretary of family and social services receives a waiver under this SECTION from the federal Health Care Financing Administration and the governor receives the affidavit filed under subsection (g), the office shall implement the waiver not more than sixty (60) days after the governor receives the affidavit.**

**(i) The office of the secretary of family and social services shall adopt standards that an entity must meet in order to provide services under a waiver required by this SECTION.**

**(j) The office of the secretary of family and social services shall approve an entity that meets the standards described in subsection (i).**

**(k) The office of the secretary of family and social services shall adopt rules under IC 4-22-2 to implement the waiver required by this SECTION.**

**(l) The office of the secretary of family and social services may adopt emergency rules under IC 4-22-2-37.1 to implement the waiver required under this SECTION on an emergency basis.**

**(m) This SECTION expires January 1, 2002: 2006."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1857 as reprinted February 22, 2001.)

CRAWFORD

There being a two-thirds vote in favor of the motion, the motion prevailed.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1857, begs leave to report that said bill has been amended as directed.

CRAWFORD

Report adopted.

The question then was, Shall the bill pass?



Roll Call 283: yeas 51, nays 42. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Johnson and Simpson.

### **Engrossed House Bill 1869**

Representative C. Brown called down Engrossed House Bill 1869 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 284: yeas 73, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Rogers, Breau, and S. Smith.

### **Engrossed House Bill 1892**

Representative Dvorak called down Engrossed House Bill 1892 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 285: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Alexa.

### **Engrossed House Bill 1925**

Representative Moses called down Engrossed House Bill 1925 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 286: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ford, Harrison, and R. Young.

### **Engrossed House Bill 1891**

Representative Dvorak called down Engrossed House Bill 1891 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 287: yeas 55, nays 38. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Alexa.

### **Engrossed House Bill 1985**

Representative T. Adams called down Engrossed House Bill 1985 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 288: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers and Craycraft.

### **Engrossed House Bill 2086**

Representative Klinker called down Engrossed House Bill 2086 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 289: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Riegsecker, Antich, Miller, and Rogers.

### **Engrossed House Bill 2116**

Representative Ripley called down Engrossed House Bill 2116 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 290: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Mrvan and Long.

## **HOUSE BILLS ON SECOND READING**

### **House Bill 1921**

Representative Sturtz called down House Bill 1921 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## **REPORTS FROM COMMITTEES**

### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1065, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

DVORAK, Chair

Report adopted.

### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1218, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

DVORAK, Chair

Report adopted.

### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1773, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 2, delete "by" and insert "by".

Page 5, line 27, after "federal" insert "statutes and".

Page 6, line 10, after "federal" insert "statutes and".

(Reference is to HB 1773 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: yeas 11, nays 0.

SUMMERS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1809, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 2.

DVORAK, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1942, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-13-2-14.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14.7. A person employed, appointed, or under contract with a state agency, who works with or around children, shall be dismissed (after the appropriate pre-deprivation procedure has occurred) if that person is, or has ever been, convicted of any of the following:

- (1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (2) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) **Sexual misconduct with a minor (IC 35-42-4-9).**
- (9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

SECTION 2. IC 5-2-5-5, AS AMENDED BY P.L.10-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) Except as provided in subsection (b), on request, law enforcement agencies shall release or allow inspection of a limited criminal history to noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that his rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) has volunteered services at a public school (as defined in IC 20-10.1-1-2) or non-public school (as defined in IC 20-10.1-1-3) that involve contact with, care of, or supervision over a student enrolled in the school;
- (10) is being investigated for welfare fraud by an investigator of the division of family and children or a county office of family

and children;

(11) is being sought by the parent locator service of the child support bureau of the division of family and children; or  
(12) has been convicted of any of the following:

- (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
- (C) Child molesting (IC 35-42-4-3).
- (D) Child exploitation (IC 35-42-4-4(b)).
- (E) Possession of child pornography (IC 35-42-4-4(c)).
- (F) Vicarious sexual gratification (IC 35-42-4-5).
- (G) Child solicitation (IC 35-42-4-6).
- (H) Child seduction (IC 35-42-4-7).
- (I) **Sexual misconduct with a minor (IC 35-42-4-9).**
- (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for the purpose of employment and licensing.
- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 3. IC 12-24-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. To provide greater security for patients, visitors, and employees, the division may not employ in a state institution an individual who has been convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4).
- (5) **Sexual misconduct with a minor (IC 35-42-4-9).**

SECTION 4. IC 20-6.1-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. ~~Cancellation of Indefinite Contract by School Corporation Grounds:~~ (a) An indefinite contract with a permanent teacher may be canceled in the manner specified in section 11 of this chapter for only the following grounds:

- (1) immorality;
- (2) insubordination, which means a willful refusal to obey the state school laws or reasonable rules prescribed for the government of the school corporation;
- (3) neglect of duty;
- (4) incompetency;
- (5) justifiable decrease in the number of teaching positions;
- (6) a conviction for:
  - (A) rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age;
  - (B) criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age;
  - (C) child molesting (IC 35-42-4-3);
  - (D) child exploitation (IC 35-42-4-4(b));
  - (E) vicarious sexual gratification (IC 35-42-4-5);
  - (F) child solicitation (IC 35-42-4-6);
  - (G) child seduction (IC 35-42-4-7); ~~or~~
  - (H) **sexual misconduct with a minor (IC 35-42-4-9); or**
  - (I) incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age; or
- (7) other good and just cause.

When the cause of cancellation is ground (1), (2), or (6), the cancellation is effective immediately. When the cause of cancellation is ground (3), (4), (5), or (7), the cancellation is effective at the end of the school term following the cancellation.

(b) An indefinite contract may not be canceled for political or personal reasons.

SECTION 5. IC 35-42-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "child care worker" means a person who provides care, ~~or~~ supervision, ~~of~~ **or instruction** to a child within the scope of the person's employment in a public or private school or shelter care facility.

(d) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(e) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(f) If a person who is:

- (1) at least eighteen (18) years of age; and
- (2) the:

- (A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or
- (B) child care worker for;

a child at least sixteen (16) years of age but less than eighteen (18) years of age; engages in sexual intercourse or deviate sexual conduct (**as defined in IC 35-41-1-9**) with the child, the person commits child seduction, a Class D felony.

SECTION 6. IC 35-50-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) As used in this section, "crime of violence" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) involuntary manslaughter (IC 35-42-1-4);
- (4) reckless homicide (IC 35-42-1-5);
- (5) aggravated battery (IC 35-42-2-1.5);
- (6) kidnapping (IC 35-42-3-2);
- (7) rape (IC 35-42-4-1);
- (8) criminal deviate conduct (IC 35-42-4-2);
- (9) child molesting (IC 35-42-4-3);
- (10) **sexual misconduct with a minor as a Class A felony (IC 35-42-4-9);**
- (11) robbery as a Class A felony or a Class B felony (IC 35-42-5-1);
- ~~(11)~~ (12) burglary as a Class A felony or a Class B felony (IC 35-43-2-1); or
- ~~(12)~~ (13) causing death when operating a motor vehicle (IC 9-30-5-5).

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the aggravating and mitigating circumstances in IC 35-38-1-7.1(b) and IC 35-38-1-7.1(c) in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the presumptive sentence for a felony which is one (1) class of felony higher than the most serious of the felonies for which the person has been convicted.

(d) If, after being arrested for one (1) crime, a person commits another crime:

- (1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or
- (2) while the person is released:
  - (A) upon the person's own recognizance; or
  - (B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(e) If a court determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

(Reference is to HB 1942 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

DVORAK, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1964, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

(Reference is to HB 1964 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

DVORAK, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 2001, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-13-1-4, AS AMENDED BY P.L.267-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. The department shall, subject to this chapter, do the following:

- (1) Execute and administer all appropriations as provided by law, and execute and administer all provisions of law that impose duties and functions upon the executive department of government, including executive investigation of state agencies supported by appropriations and the assembly of all required data and information for the use of the executive department and the legislative department.
- (2) Supervise and regulate the making of contracts by state agencies.
- (3) Perform the property management functions required by IC 4-20.5-6.
- (4) Assign office space and storage space for state agencies in the manner provided by IC 4-20.5-5.
- (5) Maintain and operate the following for state agencies:
  - (A) Central duplicating.
  - (B) Printing.
  - (C) Machine tabulating.
  - (D) Mailing services.
  - (E) Centrally available supplemental personnel and other essential supporting services.
  - (F) Information services.
  - (G) Telecommunication services.

The department may require state agencies to use these general services in the interests of economy and efficiency. The general services rotary fund, the telephone rotary fund, and the data processing rotary fund are established through which these services may be rendered to state agencies. The budget agency shall determine the amount for each rotary fund.

(6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned vehicles by all state agencies. The department may establish and operate, in

the interest of economy and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund of not to exceed two hundred fifty thousand dollars (\$250,000).

(7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies when engaged in the performance of state business. These rules may allow reimbursement for travel expenses by any of the following methods:

(A) Per diem.

(B) For expenses necessarily and actually incurred.

(C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, if property is rented out for a term of more than four (4) years, the commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property for the longer term. This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote economical and efficient operation.

**(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.**

SECTION 2. IC 4-13-1.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

#### **Chapter 1.2. Department of Correction Ombudsman Bureau**

**Sec. 1.** As used in this chapter, "bureau" refers to the department of correction ombudsman bureau established by section 3 of this chapter. The term includes individuals approved to act in the capacity of ombudsmen by the department of correction ombudsman bureau.

**Sec. 2.** As used in this chapter, "ombudsman" means an employee of the bureau or an individual approved by the bureau to investigate and resolve complaints that the department of correction endangered the health and safety of any person, or that the department of correction violated specific laws, rules, or written policies.

**Sec. 3.** The department of correction ombudsman bureau is established as a separate bureau within the department of administration.

**Sec. 4. (a)** The governor shall appoint a director of the bureau. The governor shall appoint a successor director within thirty (30) days

after a vacancy occurs in the position of the director. The director serves at the pleasure of the governor.

**(b)** The director may employ technical experts and other employees to carry out the purposes of this chapter. However, the director may not hire an individual to serve as an ombudsman who has been employed by the department of correction during the preceding year.

**Sec. 5. (a)** The ombudsman shall receive, investigate, and attempt to resolve complaints that the department of correction:

(1) violated a specific law, rule, or department written policy; or

(2) endangered the health or safety of any person.

**(b)** At the conclusion of an investigation of a complaint, the ombudsman shall report the ombudsman's findings to the complainant.

**(c)** If the ombudsman does not investigate a complaint, the ombudsman shall notify the complainant of the decision not to investigate and the reasons for the decision.

**Sec. 6. (a)** An ombudsman shall be given:

(1) appropriate access to the records of an offender who files a complaint under this chapter; and

(2) immediate access to any correctional facility administered or supervised by the department of correction.

**(b)** A state or local government agency or entity that has records that are relevant to a complaint or an investigation conducted by the ombudsman shall provide the ombudsman with access to the records.

**(c)** A person is immune from:

(1) civil or criminal liability; and

(2) actions taken under a professional disciplinary procedure; for the release or disclosure of records to the ombudsman under this chapter.

**Sec. 7. (a)** The ombudsman shall do the following:

(1) Establish procedures to receive and investigate complaints.

(2) Establish access controls for all information maintained by the bureau.

(3) Except as is necessary to investigate and resolve a complaint, ensure that the identity of a complainant will not be disclosed without:

(A) the complainant's written consent; or

(B) a court order.

**(b)** The correspondence and communication between the ombudsman and any person is a privileged communication.

**Sec. 8.** The bureau may adopt rules under IC 4-22-2 necessary to carry out this chapter.

**Sec. 9.** The ombudsman is not civilly liable for the good faith performance of official duties.

**Sec. 10. (a)** The director of the bureau shall prepare a report each year on the operations of the bureau.

**(b)** A copy of the report shall be provided to the following:

(1) The governor.

(2) The legislative council.

(3) The department.

(4) The department of correction.

**Sec. 11.** A person who:

(1) intentionally interferes with or prevents the completion of the work of the ombudsman;

(2) knowingly offers compensation to the ombudsman in an effort to affect the outcome of an investigation or a potential investigation;

(3) knowingly or intentionally retaliates against an offender or another person who provides information to the ombudsman; or

(4) makes threats because of an investigation or potential investigation against the ombudsman, a person who has filed a complaint, or a person who provides information to the ombudsman;

commits a Class A misdemeanor.

**Sec. 12.** The department of correction shall provide and maintain office space for the bureau."

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 8.

Page 3, between lines 1 and 2, begin a new paragraph and insert: "SECTION 4. IC 11-11-1.5 IS ADDED TO THE INDIANA CODE AS

A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

**Chapter 1.5. Department of Correction Ombudsman Bureau**

**Sec. 1.** As used in this chapter, "bureau" refers to the department of correction ombudsman bureau established within the department of administration by IC 4-13-1.2-3. The term includes individuals approved to act in the capacity of ombudsmen by the department of correction ombudsman bureau.

**Sec. 2.** As used in this chapter, "ombudsman" means an employee of the bureau or an individual approved by the bureau to investigate and resolve complaints regarding the health and safety of any person, and violations by the department of specific laws, rules, or written policies.

**Sec. 3.** The department shall provide an ombudsman with:

(1) appropriate access to the records of an offender who files a complaint under this chapter; and

(2) immediate access to any correctional facility administered or supervised by the department of correction.

**Sec. 4.** The department shall provide and maintain office space for the bureau."

Page 3, delete lines 2 through 42.

Delete page 4.

Page 5, delete line 1.

Page 5, line 2, delete "34-30-2-39.3" and insert "34-30-2-2.3".

Page 5, line 4, delete "Sec. 39.3.IC 11-11-1.5-7" and insert "**Sec. 2.3. IC 4-13-1.2-6**".

Page 5, line 7, delete "IC 34-30-2-39.5" and insert "IC 34-30-2-2.4".

Page 5, line 9, delete "Sec. 39.5. IC 11-11-1.5-10" and insert "**Sec. 2.4. IC 4-13-1.2-9**".

Renumber all SECTIONS consecutively.

(Reference is to HB 2001 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

DVORAK, Chair

Report adopted.

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 5, 2001 at 11:00 a.m.

TINCHER

Motion prevailed.

**Referrals to Ways and Means**

The Speaker announced, pursuant to House Rule 127, that House Bill 1809 had been referred to the Committee on Ways and Means.

The Speaker announced that the referral of House Bill 1105 to the Committee on Ways and Means had been withdrawn

**Reassignments**

The Speaker announced that House Bill 1309 had been reassigned from the Committee on Roads and Transportation to the Committee on Ways and Means.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1211, Roll Call 266, on February 27, 2001. In support of this petition, I submit the following reason:

"I was present, but when I attempted to vote, I was unable to reach the button. I intended to vote Yea."

POND

There being a constitutional majority voting in favor of the petition, the petition was adopted. *[Journal Clerk's note: this*

*changes the vote tally for Roll Call 266 to 90 yeas, 0 nays. The corrected roll call is printed with this Journal.]*

HOUSE MOTION

Mr. Speaker: I move that Representatives D. Young, Goodin, and Yount be added as coauthors of House Bill 1065.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dvorak be added as coauthor of House Bill 1106.

STEELE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of House Bill 1128.

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be added as coauthor of House Bill 1130.

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Goodin and Herndon be added as coauthors of House Bill 1218.

MELLINGER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Duncan be added as coauthor of House Bill 1221.

MELLINGER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative M. Smith be added as coauthor of House Bill 1351.

DENBO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Summers be added as coauthor of House Bill 1448.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representative Gregg be added as coauthor of House Bill 1509.

STILWELL

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of House Bill 1513.

LIGGETT

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Buell be added as coauthor of House Bill 1525.

BAUER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1556.

KROMKOWSKI

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Bauer, Harris, and Ayres be added as coauthors of House Bill 1599.

HASLER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1781.

HARRIS

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1893.

DVORAK

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Oxley be added as coauthor of House Bill 1950.

WELCH

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative T. Adams be removed as author of House Bill 1979, Representative Fry be substituted as author.

T. ADAMS

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Torr be added as coauthor of House Bill 1982.

STILWELL

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Bodiker be removed as sponsor of Engrossed Senate Bill 386, Representative Crooks be substituted as sponsor, and Representatives Bodiker and Ripley be added as cosponsors.

BODIKER

Motion prevailed.

On the motion of Representative Stevenson the House adjourned at 6:30 p.m., this twenty-seventh day of February, 2001, until Monday, March 5, 2001, at 11:00 a.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives